

FINAL AGENDA

REGULAR COUNCIL MEETING
TUESDAY
MARCH 5, 2013

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

4:00 P.M. MEETING

Individual Items on the 4:00 p.m. meeting agenda may be postponed to the 6:00 p.m. meeting.

1. CALL TO ORDER

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. **Consideration of Minutes:** Special Budget Meeting of January 22, 2013; Regular Council Meeting of February 19, 2013; Special Meeting (Executive Session) of February 26, 2013; and the Work Session of February 26, 2013.

RECOMMENDED ACTION:

Approve the minutes of the Special Budget Meeting of January 22, 2013; Regular Council Meeting of February 19, 2013; Special Meeting (Executive Session) of February 26, 2013; and the Work Session of February 26, 2013.

5. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

6. PROCLAMATIONS AND RECOGNITIONS**7. APPOINTMENTS**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body....., pursuant to A.R.S. §38-431.03(A)(1).

A. Consideration of Appointments: Airport Commission.**RECOMMENDED ACTION:**

Make one appointment to term expiring October 2013.

B. Consideration of Appointments: Transportation Commission.**RECOMMENDED ACTION:**

Make one appointment to term expiring July 2015.

C. Consideration of Appointments: Public Safety Personnel Retirement System Board.**RECOMMENDED ACTION:**

Approve the Mayor's appointments, one term expiring in January 2015 and one term expiring September 2015.

8. LIQUOR LICENSE PUBLIC HEARINGS**A. Consideration and Action on Liquor License Application: Lauren Merrett, "Maverik", 1690 W. Rte 66, Series 09 (liquor store - all spirituous liquor), Person Transfer and Location Transfer.****RECOMMENDED ACTION:**

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with no recommendation; or
3. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

9. CONSENT ITEMS

ALL MATTERS UNDER 'CONSENT AGENDA' ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION APPROVING THE RECOMMENDATIONS LISTED ON THE AGENDA. UNLESS OTHERWISE INDICATED, EXPENDITURES APPROVED BY COUNCIL ARE BUDGETED ITEMS.

None submitted.

10. ROUTINE ITEMS

- A. **Consideration and Approval of Proposal and Award of Contract:** Residential & Commercial Plan Review Service.

RECOMMENDED ACTION:

Consider approving the proposal and awarding the contract to Brown & Associates @ 65% of the adopted plan review fee or \$80.00 per hour.

- B. **Consideration of Audited Financial Reports:** Year ending June 30, 2012.

RECOMMENDED ACTION:

Approve the June 30, 2012, Comprehensive Annual Financial Report and the Single Audit Report as recommended by the City of Flagstaff Audit Committee.

- C. **Presentation and Consideration of Possible Amendment to City's Legislative Agenda:** Al White re Federal Legislative Issues regarding Flagstaff Housing Authority (FHA).

RECOMMENDED ACTION:

Council Information and possible amendment to Legislative Agenda.

RECESS

6:00 P.M. MEETING

RECONVENE

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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11. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

MAYOR NABOURS

VICE MAYOR EVANS

COUNCILMEMBER BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

12. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA

13. PUBLIC HEARING ITEMS

None submitted

14. REGULAR AGENDA

- A. Consideration of Ordinance No. 2013-08:** An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 14, Human Relations, by adding Chapter 2, Civil Rights.

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2013-08 by title only for the final time.
- 2) City Clerk reads Ordinance No. 2013-08 by title only for the final time (if approved above).
- 3) Adopt Ordinance No. 2013-08.

- B. Consideration and Adoption of Resolution No. 2013-02:** A Resolution of the City Council of the City of Flagstaff designating the "2013 City of Flagstaff Parks and Recreation Organizational Master Plan" as a public record and adopting the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan.

RECOMMENDED ACTION:

Should the Council wish to move forward with adoption of the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan as presented:

- 1) Read Resolution No. 2013-02 by title only.
- 2) City Clerk reads Resolution No. 2013-02 (if approved above).
- 3) Adopt Resolution No. 2013-02.

15. DISCUSSION ITEMS

- A. Discussion Item and Possible Action:** Discontinuance of the Izabel Homes Project.

RECOMMENDED ACTION:

Council direction.

- B. Discussion Item and Possible Action:** Ordinance re feeding of wildlife.

RECOMMENDED ACTION:

Council direction.

16. PUBLIC PARTICIPATION**17. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS****18. ADJOURNMENT**

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this _____ day of _____, 2013.

Elizabeth A. Burke, MMC, City Clerk

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 03/01/2013
Meeting Date: 03/05/2013



TITLE

Consideration of Minutes: Special Budget Meeting of January 22, 2013; Regular Council Meeting of February 19, 2013; Special Meeting (Executive Session) of February 26, 2013; and the Work Session of February 26, 2013.

RECOMMENDED ACTION:

Approve the minutes of the Special Budget Meeting of January 22, 2013; Regular Council Meeting of February 19, 2013; Special Meeting (Executive Session) of February 26, 2013; and the Work Session of February 26, 2013.

INFORMATION

Attached are the minutes of the Special Budget Meeting of January 22, 2013; Regular Council Meeting of February 19, 2013; Special Meeting (Executive Session) of February 26, 2013; and the Work Session of February 26, 2013, for amendment/approval.

Attachments: [01/22/2013 Special Budget Meeting Minutes](#)
 [02/19/2013 Regular Meeting Minutes](#)
 [02/26/2013 Special Meeting Minutes](#)
 [02/26/2013 Work Session Minutes](#)

MINUTES

CITY COUNCIL SPECIAL BUDGET MEETING TUESDAY- JANUARY 22, 2013 COUNCIL CONFERENCE ROOM – 211 WEST ASPEN 12:30 P.M.

1. Call to Order

Mayor Nabours called the Special Budget Meeting to order at 12:35 p.m.

2. Roll Call

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

Present:

MAYOR NABOURS	COUNCILMEMBERORAVITS
VICE MAYOR EVANS	COUNCILMEMBER OVERTON
COUNCILMEMBER BAROTZ	COUNCILMEMBER WOODSON (telephonically)
COUNCILMEMBER BREWSTER	

Others present: City Manager Kevin Burke; City Attorney Rosemary Rosales.

3. Presentation on budget-related issues

Community Development/Planning/Development - Code Compliance
Community Development/Planning/Development - Building Inspection
Community Development/Planning/Development - Advance Planning
Community Development/Planning/Development

Community Development Director Mark Landsiedel gave a PowerPoint presentation which was an overview of the Community Development Department. He said that what he and Jim Cronk do is mostly management, but they also manage some of the more difficult projects.

Planning Director Jim Cronk then continued with the PowerPoint reviewing some of the time frames for various review processes.

Discussion was held on self-certification. He reviewed the Phoenix model, noting that they have a 16-month training program. He said that they are proposing that Flagstaff add an additional one-week training for those already certified to cover those issues specific to the Flagstaff region.

Mr. Cronk said that since they came up with this idea they have met with builders and got a lukewarm reception. Last week staff went to the meeting of the local architectural association and none of them were interested. The biggest reason was that they like the City having a second set of eyes on everything they do.

Vice Mayor Evans said that it appears that the City is only collecting 50% of the actual costs in their department. Mr. Cronk said that was correct, and was based on previous Council direction. He added that it is paid for through the General Fund. Vice Mayor Evans said that it would appear that the City is subsidizing that area and helping developers.

Councilmember Overton said that where it could be helpful is in the case of a small tenant improvement, such as a Subway, where the plans are the same for every store. He did not think they would see a lot of people using it. Mr. Cronk said that was why they would like to go ahead with the tenant improvements and see what kind of participation they get. If there is a lot of participation then perhaps they could look at allowing it at the next level higher. He said that staff has an entire Building Code update scheduled to bring before Council at the end of February or early March and they would talk about this at the same time.

Mr. Cronk said that because of the peaks and valleys in the building industry, they use outside firms to assist with plan review, but they keep about 25% because they are still doing inspections and they will spot check their work. He said that they have several builders in town that have asked for the City to review their plans rather than outside firms.

Discussion then turned to Code Compliance. Mr. Cronk said that in 2008 they had four dedicated staff for code enforcement; now they have 1-1/3. He said that once the Regional Plan is complete, Kim would move into other areas such as annexations, long-range and specialty plans, and implementation of the Regional Plan.

Vice Mayor Evans asked if they could work on linking of the two plans – the Regional Plan and the Zoning Code. Mr. Cronk said that they were trying to get there, but their immediate pressures are with completing the Regional Plan. Mr. Landsiedel added that as they continue to implement the Regional Plan, staff will be adding a new section to the Staff Summaries on how the item addresses the Regional Plan.

Mayor Nabours asked if there was anything that the Council could help with to allow their department to work more efficiently; perhaps some type of state-of-the-art process that they currently were not using.

Discussion was held on the changes that have occurred since Mr. Landsiedel took over this department, such as the Single Point of Contact system. He said that between the rewrite of the Zoning Code and the Regional Plan, those documents will help modernize and clarify a lot of what they have to implement. He said that one area that has really helped is the DRB process where all involved departments meet together to review projects. It was also noted that the City was in the process of moving to a new software program, moving from Kiva to Innoprise, which will help with this process.

Councilmember Barotz said that she thought they all had a responsibility to communicate the facts that the City is business-friendly and not perpetuate the myths. She believed that staff works hard and they cannot always see the obstacles they face. She has seen a considerable improvement over the years and they owe it to the City

staff and community to send out a positive message, at the same time identifying any problems.

Mayor Nabours said that he has heard that in some cities they have an “expeditor” or “facilitator.” Mr. Cronk said that is similar to the City’s Single Point of Contact, so that if a developer should have issues they would go to that SPC rather than having the contact various departments.

Mr. Cronk said that their feedback from the community is that the process is 80-90% better than it was. He said that they do surveys at the front counter and at the old APS building at the building department. A process has been established when an issue is raised so a team sits down and looks at the problem to determine if the ordinance is wrong, or the process is wrong.

Councilmember Barotz said that as they have reduced the budget overall with training taking a big hit and she felt it was important to maintain training. She said that they were not going to move forward as a City if they do not keep staff current.

A break was taken from 2:00 p.m. to 2:16 p.m.

Land Trust

Sarah Darr, Housing Manager, gave a PowerPoint presentation on Housing.

Councilmember Oravits referred to the presentation, and suggested that they look at the low-end of houses for values because most first-time buyers are buying lower end homes. Ms. Darr noted that they also have professionals coming into the area that are not interested in buying first-time homes.

Discussion was held on the current housing situation. Ms. Darr said that there are a lot of tax credit units, but they were not included in this presentation because the City does not administer them.

Councilmember Oravits said that there are two homes for sale in Izabel for \$166,900, and they do not get the land. He said that he did not see where these are beneficial when there are other homes for less, and people also get the land. Vice Mayor Evans asked how often that was the case, with the market fluctuating.

Ms. Darr said that with the Land Trust they have outsourced, at Council direction, the long-term affordability responsibilities. For the rental units, it is an orientation piece, working with property management and monitoring.

Councilmember Barotz asked how many negotiations the City had entered into with developers where they have tried to secure affordable housing, but were not successful. Ms. Darr said that what was presented is what has been constructed. Since the incentive policy was updated in 2009, this is all that has been addressed. They have not had any large scale developments come forward; nothing has been brought before Council.

Councilmember Barotz said that, as she stated earlier in the meeting, the Council needs to be sure that when they are talking with citizens that they are conveying the correct information.

Mayor Nabours asked if the Land Trust had some legal implications. Ms. Darr said that they call their program a Land Trust Program because they do not hold it with a third-party entity; they have a ground lease with eligibility criteria. She said that they have a number of parcels that are City-owned that are restricted in some way for use as housing. Whether they purchased it with federal funds (Izabel Homes) or the land was deeded to the City in a Development Agreement (Pine Canyon), or they purchased it (Schultz Plass) for affordable housing. There are other pieces of City-owned properties that make logical sense to use for housing, but there are no restrictions with it.

Mayor Nabours asked if there was a fund of money that could be used for some of this affordable housing program, specifically the Izabel Housing program, and he asked how much was in that pool. Mr. McIntire said that they were expecting at the end of this fiscal year they will be at \$1.2 million. Mr. Burke clarified that those were one-time monies, placed in the fund before the recession and they have been using it as a revolving fund. They have not been adding new General Fund dollars.

Mayor Nabours asked if they could be used for something else. Ms. Darr said that some of them were proceeds from land sales, so some of them are not General Fund dollars. Mr. Landsiedel said that for a number of years they would get a General Fund allocation. That money has been saved up to do Izabel and others. Each time they sell a house they see money come back, maybe \$15,000 less than what was put into it.

Discussion was held on the qualifications. Ms. Darr said that for ownership units they have to be able to fund on their own. The City does not participate in the mortgage financing. They have to be a resident of Flagstaff or the surrounding area, of majority age, and a legal resident of the United States, and they have to be a first-time Flagstaff homebuyer. She said that when they sell the house there is a formula to determine what they get back on it.

Ms. Darr said that the owners are simply getting a deed to the home; the City does not guarantee payment on the loan. Historically, there has been a much lower default rate because of the post-purchase support from a third party. If the City does not get their lease fee, they will offer counseling. She said that they have the option to buy the unit to continue to assure its affordability, but they do not guarantee the payment.

Compensation

Human Resources Manager Shannon Anderson gave a PowerPoint presentation on compensation, which outlined staff's recommendation for one-time payments.

Councilmember Oravits said that they have needs within the City, and if they do not fundamentally change the way they do things, they will continue to increase. He said that if they reduced City staff through attrition they could save \$4 million a year. Mayor Nabours asked if they could get by with fewer employees. He said that he has not met an employee in the City that he did not think was a good employee and was not doing a

good job. And, they would all like the employees to be top paid, but the numbers are staggering.

Councilmember Woodson said that in looking at the report, giving the employees a .5% one-time raise does not get them back to where they need to be. He would like to see that a 5% permanent, but to do that they have to cut costs elsewhere.

Mayor Nabours asked if they had any idea what the average salary was and how that compared with other cities. Ms. Anderson said that the average salary was \$50,000, but she does not have a good comparison with others. She said that for non-exempt employees in 2008 they were 15.9% below market; now they were 13.11% below. For exempt employees in 2008 they were at 13.6% below; now they were 11.23% below.

Councilmember Overton said that he would like to throw more money at this before other areas. Staff across the board has been patient. He would like to avoid the conversation of which one gets 1% or 3%; he prefers not to do that. He said that it would be great to have attrition address it, but it is never the right position that leaves.

Matt Faull and Noah Eisenman, EAC Co-Chairmen, addressed the Council from the EAC's perspective. They said that the voice of the employee body is that they want raises back; something they can look forward to. They do not want it to be with one-time dollars, but built into the system so they can get raises every year. They agreed they could set aside compaction altogether at this point. They said that they would rather stand together and look forward, reinstating merits across the board, which would be about \$1.5 million for FY15. They said that many have reached the pay cap, so to address that they would like to see an adjustment of the pay plan of approximately 6%, or two steps.

They said that they do not have all of the information available to determine where they could get the money, but they were willing to participate in solutions. They said that they wanted to express that they want to have compensation be a priority of the City.

Councilmember Brewster said that they need to focus on generating more revenue through businesses, tourism, etc. She said that they can only cut so much. It has been demonstrated that they have cut a lot already. She said that they were heading in the wrong direction if they were looking to cut again. They need to be proactive.

Mayor Nabours asked if there was a chance that the employees would have ideas of how they could be more efficient. Mr. Faull said that the employees are very creative as they were the ones in the trenches. He said that they do know where there are inefficiencies and the City Manager has always had an open door.

Mr. Faull said that from an employee perspective, they were looking for a commitment and direction from the Mayor and Council to encourage leadership to address the problems as they see it. Mayor Nabours said that he would be willing to have some kind of program, to draw a line in personnel costs, and every savings they could, those savings could go into a fund to provide for increases.

Councilmember Oravits said that he appreciated Councilmember Brewster's comments about generating revenue, but he saw that as more of a long-term approach. He said that they need to find a way to improve the employee morale.

Vice Mayor Evans said that earlier they talked about eight weeks to turn around a building permit; now they were trying to do it in two. Now they have one person doing the work of three, and they need to readjust that. At some point they will have to readjust some of the stuff they proposed this morning. She said that they also need to look at what people are paying for. This morning they talked about one department only getting 50% recovered through their fees.

Councilmember Overton said that was right. They have to look at services and determine what people are willing to pay for. Discussion was held on the opportunity for people to pay more if they want something provided in a quicker turnaround time. It was noted that some of the things that Council comes up with decreases revenues, and they need to consider that.

Mayor Nabours thanked staff for their service. He said that one complaint he does not hear about the City is the demeanor of City employees. If the morale is low, he can understand, and he appreciates that they are not taking it out on the public. He said that customer service is one thing they get good feedback on, and he thanked them. He said that they thought the employees were exemplary and he gave his commitment that they would do something about this.

A break was held between 4:16 p.m. and 4:30 p.m.

4. Input and direction from City Council for February Budget Review.

Mr. Burke said that they know they have big issues regarding compensation and infrastructure. Generally, they are seeing revenues go up, but construction is a volatile area and they do not want to rely on a good year in construction. He said that they divide those revenues between on-going and one-time funds.

He said that between pension, health insurance and liability insurance increases, it eats up most of any increase in ongoing revenues. He said that was why the recommendations were focused around one-time monies. The harder path is reallocation or increased revenue. The mini-retreats have been focused on whether there is a reallocation. He asked to go through the items and have Council provide staff with some direction.

Graffiti – Agreed to look at different funding sources to address, outside of the General Fund.

Library – It was noted that there are a number of volunteers that work here, probably more than anywhere else, and they serve thousands. It was noted that only \$1.1 million comes from the General Fund and rest came from property tax. It was asked if they could get by with just the Library Tax. It was agreed to at least look at hours of operation to see if a savings could be made by reducing underutilized hours.

FUTS Signage – A majority agreed that this particular project was too far along to stop now; they were okay with seeing it through, but it was something to look at in the future.

Consultants – Council agreed that if it was part of a CIP project and they had parameters, there was no need for it to come back to Council, but if it was to provide advice or information to the Council, they would like to see it.

Two-Tiered Fire Response – Council agreed that they should continue with this.

Environmental Management Fee – It was noted that the department used as much revenue as generated, and could use more. It was suggested that other uses, such as graffiti or forest health, be considered from this fund in the future.

General Administration – Mr. Burke committed to look at every vacancy to determine if it needed to be filled. It was suggested that reorganizations may be acceptable if it would benefit the overall organization.

Economic Vitality – Mr. Burke said that there had been some information requested and staff would provide that to Council in the form of a CCR. If there was anything else requested, they should let him know.

Stormwater Management – Council would like to see more of the funds being used for construction rather than planning.

Recreation Fees – Mr. Burke said that since they did not increase the revenues from Jay Lively this year, they still have an ongoing \$100,000 deficit. They can take care of this year, but are committed to let staff review this further and put together proposals, looking at how fields fit in the equation, and reviewing possible incremental increases across the board, including consideration for sponsorships. It was also agreed that they should review the User Fee Policy and determine if they were still okay with it.

Land Trust – Council agreed they would be interested in knowing what else could be done with their funds, besides building spec homes.

Self-Certification – This item will come back before Council during review of the Building Codes.

It was suggested that a formal process be put in place, perhaps not to address immediate needs, for employees to provide suggestions for cost savings throughout the City. Mr. Burke cautioned Council that recommendations may be made by an employee to eliminate another's position, and this could impact morale as well.

Mr. Burke said that staff will work on the targets of infrastructure, as identified at the November retreat, and an increase in compensation.

5. **Adjournment**

The Flagstaff City Council Budget Meeting of January 22, 2013, adjourned at 5:25 p.m.

MAYOR

ATTEST:

CITY CLERK

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 19, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

1. CALL TO ORDER

Mayor Nabours opened the meeting at 4:09 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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2. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological

Present:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

Others present: City Manager Kevin Burke; City Attorney Rosemary Rosales.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. **Approval of Minutes:** Special Budget Work Session of January 11, 2013; Special Budget Meeting of February 4, 2013; Regular City Council Meeting of February 5, 2013; Special City Council Meeting (Executive Session) of February 12, 2013; Work Session of February 12, 2013; and the Budget Meeting of February 14, 2013.

The following corrections were made to the minutes:

02/04/2013: Councilmember Oravits asked the City Clerk to clarify the “consensus” at the end of the meeting to include those Councilmembers who agreed. Vice Mayor Evans asked that on page 3 the minutes reflect that she also left the dais during the United Way presentation.

01/11/2013: On page 6, Councilmember Barotz clarified that it should read “project to come out of the ground.”

02/14/2013: On page 4, Councilmember Barotz clarified wording “as there was no direct service for the City’s funds”, and changing “look at the contract with the Science Foundation” to “look at having a contract with the Science Foundation.”

02/05/2013: Councilmember Woodson clarified that he was shown as present for the 4:00 p.m. meeting, but telephonically present for the 6:00 p.m. meeting; should be present for both.

Councilmember Woodson moved to approve [the minutes of the Special Budget Work Session of January 11, 2013; Special Budget Meeting of February 4, 2013; Regular City Council Meeting of February 5, 2013; Special City Council Meeting (Executive Session) of February 12, 2013; Work Session of February 12, 2013; and the Budget Meeting of February 14, 2013] as amended; seconded; passed unanimously.

5. **PUBLIC PARTICIPATION**

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

None

6. **PROCLAMATIONS AND RECOGNITIONS**

None

7. **APPOINTMENTS**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal,

salaries, disciplining or resignation of a public officer, appointee, or employee of any public body..., pursuant to A.R.S. §38-431.03(A)(1).

A. **Consideration of Appointments:** Personnel Board.

Councilmember Brewster moved to appoint Jonathan Hasemeier to a term expiring October 2017 and appoint Terry Davis to a term expiring October 2016; seconded; passed unanimously.

B. **Consideration of Appointments:** Library Board.

Vice Mayor Evans moved to appoint Joanne Parkes and Joyce Taylor to terms expiring November 2014 and appoint Ruth Garrison to a term expiring November 2015; seconded; passed unanimously.

C. **Consideration of Appointments:** Tourism Commission.

Councilmember Brewster moved to appoint Dino Dullbson as the Hospitality representative, for a term expiring January 2016; seconded; passed unanimously.

Councilmember Brewster moved to appoint Lorri Pappas as an At-large representative, for a term expiring January 2016; seconded; passed unanimously.

Councilmember Brewster moved to appoint Charles Wendt as an At-large representative, for a term expiring January 2016; seconded; passed unanimously.

D. **Consideration of Appointments:** Interim City Attorney.

Mayor Nabours moved to appoint Michelle D'Andrea as Interim City Attorney, effective February 20, 2013, to serve until a new City Attorney has been selected and appointed; seconded; passed unanimously.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

A. **Consideration and Action on Liquor License Application:** Timothy Vasquez, "Someburros Mexican Food", 320 S. Regent St. #G-300, Series 12 (restaurant), New License.

Councilmember Overton moved to open the Public Hearing; seconded; passed unanimously.

Mayor Nabours briefly reviewed the application. With no public comment received, **Mayor Nabours moved to close the Public Hearing; seconded; passed unanimously.**

Councilmember Oravits moved to forward the application to the State with a recommendation for approval; seconded; passed unanimously.

9. **CONSENT ITEMS**

ALL MATTERS UNDER 'CONSENT AGENDA' ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION APPROVING THE RECOMMENDATIONS LISTED ON THE AGENDA. UNLESS OTHERWISE INDICATED, EXPENDITURES APPROVED BY COUNCIL ARE BUDGETED ITEMS.

- A. **Authorization for Purchase of Equipment:** New Dell computers for the County Library District Computer Replacement program.

Councilman Overton asked if this purchase would be impacted at all by the changes taking place at the Page Library. Mr. Cesare, Library IT Manager, said that Page's computers were replaced last year. They may continue with limited library services.

Councilmember Woodson moved to recommend approval [release County Library District funds for the purchase of replacement computers at a cost of \$183,727 (including tax and shipping) from Dell, through their Premier Customer Agreement ADSPO10-00000010; state contract pricing, contract #WN98ABZ]; seconded; passed unanimously.

10. **ROUTINE ITEMS**

- A. **Consideration and Adoption of Ordinance No. 2013-03:** An ordinance of the Council of the City of Flagstaff, Coconino County, Arizona, approving and authorizing the sale and issuance of City of Flagstaff, Arizona General Obligation Bonds, Series 2013, in the total aggregate principal amount of not to exceed \$13,000,000 and all matters related thereto; prescribing certain terms and conditions of such bonds including the delegation to the Management Services Director of the City to designate the final principal amount, maturities, interest rates and yields and other matters with respect to such bonds; awarding a contract for the purchase of such bonds; ratifying the distribution of a Preliminary Official Statement and approving a final Official Statement. (\$3 Million for Picture Canyon/2004; \$6.5 Million for Street Utility Bonds/2010; \$2 Million for Forest Health/2012).

Staff was asked why the amounts did not total the \$13,000,000 and they replied that the amount would give them latitude to include the cost of bonding within the total.

Councilmember Overton said that he was reviewing the Preliminary Report and he questioned if the City still has Aspen Place at Sawmill as a debt. Ms. Goodrich said that the City of Flagstaff has the ultimate responsibility for the debt, if anyone were to default. She added that the City does collect their assessments one year in advance.

Mayor Nabours moved to read Ordinance No. 2013-03 by title only for the second time; seconded; passed unanimously.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE SALE AND ISSUANCE OF CITY OF FLAGSTAFF, ARIZONA GENERAL OBLIGATION BONDS, SERIES 2013, IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$13,000,000 AND ALL MATTERS RELATED THERETO; PRESCRIBING CERTAIN TERMS AND CONDITIONS OF SUCH BONDS INCLUDING THE DELEGATION TO THE MANAGEMENT SERVICES DIRECTOR OF THE CITY TO DESIGNATE THE FINAL PRINCIPAL AMOUNT, MATURITIES, INTEREST RATES AND YIELDS AND OTHER MATTERS WITH RESPECT TO SUCH BONDS; AWARDED A CONTRACT FOR THE PURCHASE OF SUCH BONDS; RATIFYING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND APPROVING A FINAL OFFICIAL STATEMENT

Councilmember Brewster moved to adopt Ordinance No. 2013-03; seconded; passed unanimously.

B. Consideration of Audited Financial Reports: Year ending June 30, 2012.

Finance Director Rick Tadder came forward to give a presentation. Councilmember Oravits asked if they could postpone this item for two weeks so he had more time to review. Mr. Tadder confirmed they were under no time constraints.

Councilmember Oravits moved to postpone the item to the March 5, 2013, meeting; seconded; passed unanimously.

RECESS

The 4:00 p.m. portion of the February 19, 2013, Council meeting recessed at 4:37 p.m.

6:00 P.M. MEETING

RECONVENE

The 6:00 p.m. port of the February 19, 2013, Council meeting reconvened at 6:13 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

11. **ROLL CALL**

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

Present:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

Others present: City Manager Kevin Burke; City Attorney Rosemary Rosales.

12. **CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA**

Mayor Nabours read a Proclamation, proclaiming February 19, 2013, as *Rosemary Rosales Day* in Flagstaff and presented it to Ms. Rosales, City Attorney, thanking her for her service to the City.

13. **PUBLIC HEARING ITEMS**

None submitted

14. **REGULAR AGENDA**

A. **Consideration of Resolution No. 2013-04:** Renaming the Mountain View Park the James Cullen Memorial Park

Parks Director Steve Zimmerman stated that what was being brought before Council this evening was a request to rename the Mountain View Park as the James Cullen Memorial Park, in honor of a 41-year resident of the City of Flagstaff. He said that he was a business owner and had a lot of dealings with the neighborhood kids and organizations throughout the years.

Mr. Zimmerman reviewed the process by which a park renaming would take place, noting that after the City Manager received a formal request he forwarded it to the Parks and Recreation Commission for a recommendation to the Council. He said that the Commission discussed the request and the Commission recommended by unanimous consent to rename the park.

At this time, the following community members came forward and spoke in support of renaming the park:

Kelly Cullen (son)
Tony Cullen (son)
Ervin Boren
Joe Farnsworth
Ed Leviness
Joe Ray

Mayor Nabours noted that the Cullen family had agreed to pay for the cost of the sign and its maintenance. Councilmembers thanked the community for coming out and all agreed that Mr. Cullen was a great member of the community.

Councilmember Overton moved to read Resolution No. 2013-04 by title only; seconded; passed unanimously.

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF
RENAMING MOUNTAIN VIEW PARK THE "JAMES CULLEN MEMORIAL
PARK"***

Councilmember Overton moved to adopt Resolution No. 2013-04; seconded; passed unanimously.

Mr. Farnsworth came forward and stated it was his pleasure knowing Rosemary Rosales and was sorry to see her go.

- B. **Consideration and Approval of Grant Award:** Reimbursement Agreement between the City of Flagstaff and the U. S. Department of Homeland Security, Transportation Security Administration.

Police Lieutenant Frank Higgins gave a brief background on this agreement, noting that it was \$80,900 per year for three years and it covered the costs of the officers at about 79%, depending on the number of flights per day.

Councilmember Brewster moved to approve [the Reimbursement Agreement with the U.S. Department of Homeland Security (DHS), Transportation Security Administration (TSA) and accept the total award of \$242,700 (\$80,900 per year) to offset the cost of mandatory law enforcement officer (LEO) presence during airport passenger screening over the next three years]; seconded; passed 6-1 with Councilmember Oravits casting the dissenting vote.

- C. **Consideration of Ordinance No. 2013-08:** An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 14, Human Relations, by adding Chapter 2, Civil Rights.

Deputy City Manager Josh Copley briefly reviewed the process to this point, noting that what was before them this evening was based on past discussions and direction. He said that it does not interfere with current rights afforded under state and federal law and would not create a new right or remedy that is already provided for.

Mayor Nabours said that several months ago the Council was asked whether they wanted to consider this issue further and with a majority interested, they invited Mayor Ralph Becker of Salt Lake City to give a presentation on their Civil Rights Ordinance. Additionally, Mr. Copley has conducted several meetings with various groups in town to get their comments and the Council has discussed those and given further direction to staff.

He said that the Council as a group has heard from many people regarding this ordinance. Many are in favor of some form of the ordinance, and he has talked with many business owners to whom it would apply and they have raised two points. First, they asked what indication there was that the businesses in Flagstaff have discriminated and, second, they did not care if it was enacted because they were not discriminating now.

He said that an ordinance was not going to change someone's attitude or their heart, so this ordinance may not really affect behavior. Fortunately, he said, he has not heard from anyone who believes they should have the right to discriminate.

Mayor Nabours said that he could easily and readily say there was no one on Council that was prejudice, and just because some of them may have expressed concerns with the ordinance it did not equate to any prejudice. He said that he welcomed the public's comments but would ask that the comments focus more on whether the wording was clear, fair and unambiguous, etc.

Councilmember Barotz said that she did want to hear from everyone, even those that have spoken before. She wanted everyone to feel welcome to come forward and not feel intimidated.

The following individuals spoke in favor of the proposed ordinance:

Lisa Rayner
Jamey Hasapis
Kristine Pavlik
Ann Ingram
Matthew Capalby
Gary Robbins
Jim McCarthy
Dan Frazier
Kathryn Jim
Moran Henn
Avtar Khalsa
Christine Fredericks
Jennifer Cody
Becky Daggett
Abigail Isakson
Susan Manker-Seale
Ky J. Dio
Marilyn Weissman

The following individuals spoke against the proposed ordinance:

Ann Ingram
Oregon McDiarmid
Scott Myers
Nolan Laughlin

A break was taken from 7:23 p.m. to 7:35 p.m.

Councilmember Barotz moved to read Ordinance No. 2013-08 with option 2 on page 8 [A person found responsible for a civil infraction for the first time shall be fined not more than five hundred dollars (\$500.00) per civil infraction. A person found responsible for the same civil infraction for a second time shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00). The imposition of a fine for a civil infraction under this section shall not be suspended], and after further discussion, section J on page 4 to end after “selected by the city manager”; seconded.

Councilmember Woodson said that he agreed with the motion and although he felt there were other housekeeping items, none of them were deal breakers and he believed they would be ironed out as time goes by. He said that it is something that the people of Flagstaff have deserved. Many people have called and said it was not necessary; many more have said it was and he was ready to move forward.

Mayor Nabours said that the requested changes he had asked for a few weeks ago had been made and he agreed with Option 2.

Councilmember Brewster said that she agreed with the amendments and intends to vote for it. It has taken too long and she did not see it as creating a special class as it includes all of the others addressed by EEOC. She said that it was not a negative for their community; they are a diverse community. It sends a message that they will not tolerate discrimination of anyone.

Councilmember Barotz said that the City has adopted several resolutions over the past years to show that Flagstaff values diversity and inclusion. They were pre-steps in identify this important value and a vote now is “where the rubber meets the road.” Currently there are no state or federal laws that protect individuals based on their sexual orientation or gender identity or expression.

She said that it was time to take steps to ensure that people will not be fired from their jobs or denied service in a business for being a member of GLBT community. She believes there is broad support in the community for the ordinance, as shown by the many that have spoken over the years and also over 330 e-mails received by the Council.

She said that in 2011 the Commission on Diversity Awareness sent a letter in support of such an ordinance. People from all walks of life in Flagstaff have come into the Chambers and expressed support. Mayor Becker from Salt Lake City emphasized that the Mormon Church agreed with the ordinance and it made good economic sense. In June 2012 they heard from Lisa Rayner that non-discrimination ordinances were an important piece of economic competitiveness.

She said that the complaint process encourages that the parties come to an agreement; it is not punitive in nature.

Vice Mayor Evans said that whether it was their first time or twentieth, or whether they spoke or not, and regardless of whether she agreed with what they had to say, she was glad the public was there. She said that a lot of people had talked about Martin Luther King, Jr. and she shared that in 1963 he said, *"An injustice anywhere is a threat to justice everywhere."* Additionally, John F. Kennedy said, *"The rights of every man are diminished when the rights of one man are threatened."*

She said that she could not remember who said it but she quoted, *"If not us, who? If not now, when?"* She said that it is now 50 years later since Martin Luther King, Jr. made the above statement and they now had the ability and opportunity to address this issue. She said she was proud to be a part of the *"who"* and to being doing it *"now."*

The motion passed unanimously.

Consideration of Ordinance No. 2013-08: An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 14, Human Relations, by adding Chapter 2, Civil Rights.

Mayor Nabours thanked everyone that appeared, and for the respect shown. A short break was then taken from 8:25 p.m. to 8:37 p.m.

15. **DISCUSSION ITEMS**

A. **Discussion and Possible Action Item:** 4" Snow Policy.

Brief discussion was held on whether to bring forward for further discussion the 4" Snow Policy. It was agreed that they would put it on a future agenda, perhaps in April as they were discussing budgeting options.

16. **PUBLIC PARTICIPATION**

Tom Wyatt, speaking on behalf of the Board President of the Flagstaff Area Lodging Association, thanked the Council for participating in their recent Annual Meeting. He said that those kinds of events are never a success if there is not the attendance and partnership of elected officials and he appreciated them attending. He encouraged them to call any time.

17. **INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS**

The following comments were made:

- Need to clarify on CCR's when they are confidential
- Would like further information on employee reclassifications and whether there have been related pay increases, how many, etc.

- Ask the lobbyist to look into HB2338 (it was noted that he was)
- New countertops at the Airport look good
- Ask for a report on HB2608, revamping of election official retirement plan, and its implications for the state and city
- Attended Tourism Dinner at the Phoenician in Phoenix at which the Flagstaff Airport received an award
- Attended the CCY pancake breakfast

Mayor Nabours asked that a Discussion Item be placed on a future agenda regarding an ordinance prohibiting the feeding of wildlife.

Mr. Burke said that he would be adding to the next agenda a discussion item to address who would be invited to sit at the table during the April 8 Special Work Session to address the Zoning Map Amendment process.

Additionally, Mr. Burke said that he wanted to thank Rosemary Rosales for two great years, and for always being approachable. He said that her legacy would be the change in attitude of service that staff has received from the Legal Department, and he wished her the best.

Ms. Rosales thanked everyone for the *Rosemary Rosales* proclamation and for allowing her to serve as their attorney for the last few years. She said that she and her husband left Flagstaff in 1984 and 1985 and it was always their dream to come back. They just celebrated their 25th wedding anniversary last week and Flagstaff has a lot of history for them. She was sad to leave, but happy to be with her family again. She said that she hoped they continue to appreciate the wonderful staff they have and she would miss everyone. She said that she was leaving them in the capable hands of Michelle D'Andrea.

18. **ADJOURNMENT**

The Flagstaff City Council meeting of February 19, 2013, adjourned at 8:54 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

ARIZONA)
) ss.
Coconino)

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the meeting of the Council of the City of Flagstaff held February 19, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of March, 2013.

CITY CLERK

MINUTES OF THE SPECIAL MEETING (EXECUTIVE SESSION) OF THE FLAGSTAFF CITY COUNCIL HELD ON TUESDAY, FEBRUARY 26, 2013, IN THE STAFF CONFERENCE ROOM, SECOND FLOOR OF THE FLAGSTAFF CITY HALL, 211 WEST ASPEN, FLAGSTAFF, ARIZONA

1. Call to Order

Mayor Nabours called the meeting to order at 4:06 p.m.

2. Roll Call

Present:

MAYOR NABOURS (declared a conflict of interest and left room during Item 4-B)	
VICE MAYOR EVANS	COUNCILMEMBER ORAVITS
COUNCILMEMBER BAROTZ	COUNCILMEMBER OVERTON
COUNCILMEMBER BREWSTER	COUNCILMEMBER WOODSON

Others present: City Manager Kevin Burke; Interim City Attorney Michelle D'Andrea.

3. Recess into Executive Session

Mayor Nabours moved to recess into Executive Session; seconded by Councilmember Oravits; passed unanimously. The Flagstaff City Council recessed into Executive Session at 4:06 p.m.

4. EXECUTIVE SESSION:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body; and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS §§38-431.03(A)(3) and (4), respectively.

i. Pine Canyon Agreement.

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, pursuant to ARS §§38-431.03(A)(3) and (7), respectively.

i. 4 South San Francisco.

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 5:18 p.m. at which time the Special Meeting of February 26, 2013, adjourned.

MAYOR

ATTEST:

CITY CLERK

MINUTES

WORK SESSION
TUESDAY, FEBRUARY 26, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

1. Call to Order.

Mayor Nabours called the Flagstaff Work Session of February 26, 2013, to order at 6:02 p.m.

2. Pledge of Allegiance.

The City Council and audience recited the Pledge of Allegiance.

3. Roll Call

Councilmembers present:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

Councilmembers absent:

None

Others present: City Manager Kevin Burke; Interim City Attorney Michelle D'Andrea

4. Public Participation (Non-Agenda Items Only):

Public Participation enables the public to address the council about items that **are not** on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

Mayor Nabours recognized Interim City Attorney Michelle D'Andrea and noted the change in the seating at the dais. The City Attorney will now be seated with the Deputy City Managers and the City Clerk.

Donna Creamer, Flagstaff, addressed Council with her thoughts on the Council's TSA decision.

Mayor Nabours provided a brief overview of the procedures for the upcoming item, explaining that the Council is only determining if there is a consensus of Council to place the item on a later agenda for action.

The following individuals addressed Council urging them to support drafting a resolution in support of HB2573 on a later meeting agenda for action:

Elisha Dorfsmith, Flagstaff
David Scopak
Two unnamed Flagstaff residents
Greg Hancock
Mr. Stavely

Michael Dougan, Flagstaff, addressed Council about his concern with the condition of the streets in Flagstaff.

Lou Anderson, Flagstaff, addressed Council about the condition of the City's infrastructure and his concern with the possibility of raising taxes to get enough money to fix our roads.

Sophia Gatts, Flagstaff, addressed Council about keeping the City in good shape for the tourists who come here.

5. Preliminary Review of Draft Agenda for the March 5, 2013, City Council Meeting.*

** Public comment on draft agenda items may be taken under "Review of Draft Agenda Items" later in the meeting, at the discretion of the Mayor. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk.*

None.

Mayor Nabours moved agenda item 10 up in the agenda.

10. Discussion/direction on Resolution of Support for HB2573, Prohibited Governmental Compliance; 2012 NDAA.

Councilmember Oravits asked Council for support in bringing a Resolution of Support for HB2573. This bill, if passed, will reinforce the Arizona Constitution and civil rights. Mr. Oravits provided background on the 2012 NDAA is and what HB2573 will do if passed.

Mr. James Burton was asked to speak about this item. Mr. Burton provided some personal experiences of his family and read a letter from Gordon Hirabachi. He urged Council to move forward with the resolution.

Some members of Council expressed concern with the short time frame and their ability to make an informed decision in such a short period of time.

There was also concern that this is another resolution that does not directly relate to City operations. Council was encouraged to lobby individually for support of the bill.

There was no Council consensus on taking this item forward to a future meeting.

6. Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Five Year and Long Range Transportation Plan Presentation.

Barbara Goodrich introduced Jeff Meilback, General Manager and CEO of Northern Arizona Intergovernmental Public Transit Authority (NAIPTA).

Mr. Meilback offered a PowerPoint presentation on NAIPTA's five year transit plan. He then introduced Erika Mazza, Marketing Coordinator for NAIPTA, who explained the public outreach that is planned and the process they will be going through to gather public comment.

Council suggested that NAIPTA start looking into further education of the public through more intimate neighborhood meetings to get the word out about the service and the increase in convenience that NAIPTA is offering. It was suggested that they focus on changing the mindset of the people who are not using the bus on how convenient it can be.

Mr. Meilback indicated that they are in the process of launching a better marketing plan; they want to be sure they are marketing something accurate as well.

A break was held from 7:18 p.m. to 7:31 p.m.

7. Rio de Flag Flood Control Project - Path Forward Presentation.

Mark Landsiedel, Community Development Director gave a PowerPoint presentation: He explained that there is likely to be no funding for this project in the future. The current United States Army Corp of Engineers (USACE) system is broken. He gave examples of the slow movement and the increased cost with the Rio de Flag project. The USACE has been unable to explain why the cost continues to increase.

Some time back there was a week long process with City staff and USACE that identified a savings of \$15 million; after the USACE process there was only \$1 million savings and ultimately an increase in total cost of over \$4 million. It has been frustrating.

Benefit cost ratio of this project has continued to decrease due to the time estimated for project completion. With a low benefit cost ratio funding is extremely difficult to obtain at the federal level. There is a lot of frustration with the inconsistent progress with this project and thus the City is looking at other alternatives.

Mr. Landsiedel introduced James Duval, Senior Project Manager, who continued the presentation.

There are four options available at this time:

- OPTION #1 – STAY THE COURSE
- OPTION #2 – SELF ADMINISTRATION
- OPTION #3 – CITY PROJECT
- OPTION #4 – TERMINATE PROJECT

Mr. Burke provided some clarifications for Council to keep in mind.

1. The term *authorization* means paper money. Essentially, the City has the authorization for the project but not the appropriation.
2. The channel referred to as the Northern Reach, while predominate flow is in a closed channel there is an open channel that is more of a hybrid flow to maintain the visual aesthetic of the area.
3. Congress has not adopted a budget in quite some time. This leaves the City in a weird position of how to get funding when there is no budget adopted; funding is based on the prior year so if there is a year with no funding that is likely to continue in future years.
4. It looks as though the project has exceeded the 902 limit; the City is authorized to \$72 million but the cost estimate is now \$92 million, OMB will not consider any funding because the project is beyond the authorized limit.
5. Very few have been successful with self administration, but it is not to say it is not worth pursuing as it has been a trend of late.
6. These options are not mutually exclusive; they can continue with option 1 while pursuing options 2 and 3. They continue to ask for, at a minimum, repair of the Clay Avenue Detention Basin and finish the project design. There is some due diligence to look at what the City-managed project looks like. The \$200,000 needed for the concept design study is already appropriated in the City Budget.

Council asked how far along the designs on the different segments were.

Mr. Duval indicated that the City plans are 90% complete and the USACE side is stated to be at 90%, but there is concern with that number as there seems to be a lot to still be done to get to 100%.

Council asked if staff has done any type of cost estimate if they were to take on the project. Mr. Duval explained that there has not been a cost estimate done as they really want to go down the road of hiring a consultant to help determine the amounts utilizing a similar but smaller design.

Council asked if the City would owe the Federal government any money if this was converted to a City project. Mr. Duval responded there would be no money owed, but instead there may be money owed back to the City.

There was discussion about the cost benefit ratio and how it is determined and the difference between the structural damages versus the economic damages.

Council asked what event the City would need to plan for and accommodate to remove the floodplain downtown and in southside. Mr. Duval responded that a 100-year FEMA event is what would need to be accommodated. He explained that the USACE plans are significantly larger and the thought is that if the City completed this project to FEMA standards there would be a significant cost savings. However, this is why the concept design study is necessary, to determine the cost.

Council suggested that this issue and project could be more than just a City issue, because of the economical impacts GFEC, ECONA and NAU could also be potential partners. Council asked about the difference in the standards between FEMA and USACE.

Malcolm Alter, Stormwater Project Manager, offered that they are separate standards but both federal; the biggest difference is that the USACE has to look fifty years out and that offers more impervious surfaces and structures. FEMA is about insurance.

Council requested that this item be put on a future agenda to see where we are at after the DC trip.

8. Wildcat Hill Wastewater Treatment Plant Solids Handling Alternatives.

Brad Hill, Utilities Director, provided a PowerPoint presentation.

The City has not met the needs and desire of the community by producing A+ water out of the Wildcat Hill Wastewater Treatment Plant.

Mr. Hill introduced Ryan Roberts the Utilities Engineer who continued the presentation.

He said that geo-fabric bags are the quickest option to get going. The City has planned to utilize this method for a two to three year time frame to allow time to develop a long term solution.

The geo-fabric bags will allow them to clean out the basins and move toward compliance with ADEQ. The plant is taking on too many solids, more than it can handle, and this will address that while long term solutions are developed.

Council inquired about a cost estimate for the long term solution. Mr. Roberts provided that the value engineering that was done removed \$5 million from the original design cost so it would be at least that but would estimate upwards of \$15 million with the buildings necessary.

Council asked about the possibility of lowering the permit standard with ADEQ. Mr. Hill indicated that a meeting with ADEQ is scheduled to look at all options for the City to come into compliance.

Council also suggested the possibility of no longer accepting intake from haulers outside the City. There is interest in discussing this option and looking at what the City is charging for this service.

Rudy Preston, Flagstaff, addressed Council about the need to identify and promote ways to reduce overall solids.

David Monihan, Flagstaff, addressed Council with his support of the Utilities Department and the need to continue the process.

Kathleen Nelson, Flagstaff, addressed Council about charging appropriately for the quality of water provided and looking into alternative ways to mitigate solids in the water.

Council asked for Mr. Hill to provide the research previously done on composting toilets.

Council agreed with moving forward with the staff recommendation.

9. Discussion / direction on participants for upcoming Zoning Map Amendment Process Special Work Session of April 8, 2013.

Council discussed who would be invited to participate in the discussions about the Zoning Map Amendments.

The meeting will be open to the public and the public will have the opportunity to address Council with their comments.

Council agreed to extend invitations to F⁴, Planning and Zoning Commission Chairperson, Flag 40, NABA or Realtors Association, Chamber of Commerce, Michael Manson, and Mogollon Engineering.

10. Discussion/direction on Resolution of Support for HB2573, Prohibited Governmental Compliance; 2012 NDAA.

Moved to earlier in the meeting.

11. Review of Draft Agenda Items for the March 5, 2013, City Council Meeting.

None.

12. Public Participation.

Rudy Preston, Flagstaff, addressed Council with his concern about changing the agenda order and the effect on public participation.

13. Informational Items To/From Mayor, Council, and City Manager.

Councilmember Barotz informed Council that she will not be in town next week as she is traveling to Washington DC.

Councilmember Brewster reported that she had attended the State Tourism Agency dinner in Phoenix. Pulliam Airport was awarded for being one of the best economic drivers in the area.

14. Adjournment.

The Flagstaff City Council Work Session of February 26, 2013, adjourned at 10:14 p.m.

MAYOR

ATTEST:

CITY CLERK

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 02/27/2013
Meeting Date: 03/05/2013



TITLE:

Consideration of Appointments: Airport Commission.

RECOMMENDED ACTION:

Make one appointment to term expiring October 2013.

Policy Decision or Reason for Action:

By making the above appointment, the Airport Commission will be at full membership.

There are three applications on file and they are as follows:

Daniel Del Manaco
Terry Marxen (served two terms from 06/07 - 10/12; first term was partial)
Russ Yelton

Financial Impact:

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Connection to Council Goal:

Effective governance.

Has There Been Previous Council Decision on This:

None.

Options and Alternatives:

- 1) Appoint one Commissioner: by appointing member at this time, the Airport Commission be at full membership, allowing the group to meet and provide recommendations to the City Council.
- 2) Table the action to allow for further discussion or expand the list of candidates.

Background/History:

The Airport Commission consists of seven citizens serving three-year terms. There is currently one seat available.

The Airport Commission is responsible for reviewing and reporting to the Council on the development of the Airpark and on matters affecting the operation and efficiency of the airport, using the Airport Master Plan as a guide.

Key Considerations:

It is important to fill the vacancies so as to allow the Commission to continue meeting on a regular basis.

Expanded Financial Considerations:

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

Community Benefits and Considerations:

INFORM: Board members and City staff have informed the community of this vacancy through word of mouth in addition to the vacancies being posted on the City's website.

Community Involvement:**COUNCIL INTERVIEW TEAM:**

Mayor Nabours
Councilmember Overton

Attachments: [Airport Commission Roster](#)
 [Airport Commission Authority](#)
 [Airport Commission Applicant Roster](#)
 [Airport Commission Applications](#)



City of Flagstaff, AZ

AIRPORT COMMISSION MEMBERS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Brace, Roger</u> Facility Electrical/W. L. Gore 603 W. Beal Rd. Flagstaff, AZ 86001 Home Phone: 556-9123 Term: 1st	06/07/2011	10/14	10/20/2011
<u>Evans, Matthew</u> Vice-President/Relationship Mgr./National Bank of America 2138 Tombaugh Way Flagstaff, AZ 86001 Cell Phone: 600-1387 Term: (1st 1/08 - 10/10; 2nd 10/10 - 10/13)	11/17/2010	10/13	No
<u>Gavin, April</u> Executive Assistant/Flagstaff Chamber of Commerce 2520 E. Linda Vista Flagstaff, AZ 86004 Work Phone: 928-774-4505 Term: (1st 2/12 - 10/12; 2nd 10/12-10/15)	12/04/2012	10/15	02/16/2012
<u>Keegan, Jack</u> Retired 3295 S. Tehama Circle Flagstaff, AZ 86001 Home Phone: 928-266-0889 Term: (1st 10/08 - 10/11; 2nd 10/11 - 10/14)	02/07/2012	10/14	10/08/2008



City of Flagstaff, AZ

Shankland, Paul**02/07/2012****10/14****No**

Director and Installation Commander/U.S.
Navel Observatory
3217 West Lois Lane
Flagstaff, AZ 86001
Home Phone: 336-508-6317
Term: (1st 2/12 - 10/14)

Wallace, James**12/04/2012****10/15****No**

CEO/Greystoke Engineering
4443 E. Burning Tree Loop
Flagstaff, AZ 86004
Cell Phone: 928-380-0976
Term: (1st 12/12-10/15)

Z-VACANT,**10/13****No**

Staff Representative: Barney Helmick**As Of: February 21, 2013**

CHAPTER 2-11
FLAGSTAFF AIRPORT COMMISSION

SECTIONS:

<u>2-11-001-0001</u>	COMMISSION CREATED:
<u>2-11-001-0002</u>	COMPOSITION; TERMS:
<u>2-11-001-0003</u>	ORGANIZATION:
<u>2-11-001-0004</u>	COMPENSATION:
<u>2-11-001-0005</u>	MEETINGS:
<u>2-11-001-0006</u>	ACTIONS OF THE COMMISSION:

SECTION 2-11-001-0001 COMMISSION CREATED:

There is hereby established the Flagstaff Airport Commission to be composed of seven¹ (7) members who shall meet as hereinafter provided to consider and deliberate upon matters of concern to the City Council and citizens that affect the operation and efficiency of the airport toward the end of providing an optimum level of services within available resources using the Airport Master Plan as a basic guide. (Ord. 1897, 11/21/95)

(Ord. No. 1897, Amended, 11/21/95)

SECTION 2-11-001-0002 COMPOSITION; TERMS:

The composition of the membership of the Commission shall be as follows:

A. A Councilmember, designated by the City Council, to serve as a non-voting, ex-officio member. (Res. 1045, 9-20-77)

B. Seven (7) members to be appointed by the City Council who shall serve for three (3) year terms, on a staggered basis. (Ord. 1897, 11/21/95)

C. Ex-Officio Members: The following persons shall be ex-officio members of the Commission, but shall have no vote:

The Mayor
The City Manager
The Airport Manager
The FAA Tower Operator

D. A quorum shall be one more than half the voting members.

(Ord. No. 1897, Amended, 11/21/95); (Ord. No. 2007-03, Amended 02/06/2007)

¹ Ordinance No. 1897, adopted 11/21/95, reduced the amount of membership from nine to seven; however, when the final ordinance was printed and signed, the numbers had inadvertently been reversed. The City Code reflects the intent of the action taken by the City Council.

SECTION 2-11-001-0003 ORGANIZATION:

At the first meeting after appointment and at the first meeting held in any calendar year thereafter, the members of the Commission shall elect a Chairperson and Vice-Chairperson. (Ord. No. 2007-03, Amended 02/06/2007)

SECTION 2-11-001-0004 COMPENSATION:

The members of the Commission may be reimbursed by the City for necessary travel and subsistence expenses, but shall not receive compensation for their services. Any such travel must be approved in advance by the City Council or the City Manager with all budgetary considerations taken into account.

SECTION 2-11-001-0005 MEETINGS:

The Commission shall hold regular monthly meetings, which shall at all times be open to the public, the time and place of said meetings shall be posted in accordance with any currently applicable Arizona State Statutes regulating public meetings and proceedings (open meeting laws). Special meetings may be called by the Chairperson on twenty-four (24) hours' notice.

SECTION 2-11-001-0006 ACTIONS OF THE COMMISSION:

A. The Commission, with the consent of the City Manager, may call on all City divisions for assistance in the performance of its duties, and it shall be the duty of such divisions to render such assistance to the Commission as may be reasonably required.

B. All discussions, deliberations, actions and recommendations of the Commission shall be advisory to the City Council, and such advisories as the Commission may from time to time make shall be forwarded to the City Council through the City Manager. (Res. 1045, 9-20-77)



City of Flagstaff, AZ

AIRPORT COMMISSION APPLICANTS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Del Monaco, Daniel</u> Commercial Banker/Alliance Bank of Arizona 3316 S. Debbie St. Flagstaff, AZ 86001 Cell Phone: 928-716-2450			No
<u>Marxen, Terry</u> Owner/Terry Marxen Cheverolet 1520 W. Tolchaco Rd. Flagstaff, AZ 86001 Work Phone: 928-774-2794			No
<u>Yelton, Russ</u> President/CEO/NACET 2787 N. Fairview Drive Flagstaff, AZ 86004 Cell Phone: 828-582-6323			No

Staff Representative: **Barney Helmick**


As Of: **February 27, 2013**

IMPORTANT NOTICE: The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION**

RECEIVED

DEC 29 2012

BY:  86001

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: December 28, 2012

BOARD/COMMISSION YOU WISH TO SERVE ON: Airport Commission

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED:

YOUR NAME: Daniel Del Monaco **HOME PHONE:**

HOME ADDRESS: 3316 S. Debbie St. **ZIP:** 86001

MAILING ADDRESS (If Different from Above):

EMPLOYER: Alliance Bank of Arizona **JOB TITLE:** Commercial Banker

BUS. PHONE: 928-214-3410 **CELL:** 928-716-2450 **E-MAIL:** ddelmonaco@alliancebankofarizona.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME ☒ WORK ☒ CELL

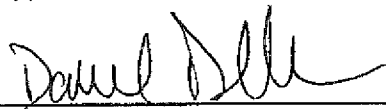
BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

Over the past decade I have been involved in many community activities including the Airport Authority Finance Committee, Chamber of Commerce Board of Directors, Kingman Regional Medical Center Foundation, and Mohave County Board of Adjustments to name a few. These boards and commissions have provided many learning experiences given the vast structure of the organizations, development in mission and values, and how to help propel thoughts and ideas into reality. In addition to the previous community activities, I have been very involved in business development and I have a solid understanding of how business operate. I also have a bachelors degree and two masters degrees.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

I have recently relocated from Kingman, AZ to the Flagstaff market and want to continue to be involved in civic activities by volunteering my time and experience. Given my background and experiences, I believe I could be an asset to the community

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.



Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

IMPORTANT NOTICE: The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION**

RECEIVED

JAN 11 2013

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: 11/9/12

BOARD/COMMISSION YOU WISH TO SERVE ON: AIRPORT

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: COMMISSIONER

YOUR NAME: TERRY MARXEN HOME PHONE: 928-774-3965

HOME ADDRESS: 1520 W. TOLCHACO RD. ZIP: 86001

MAILING ADDRESS (If Different from Above): _____

EMPLOYER: TERRY MARXEN CHEV JOB TITLE: OWNER

BUS. PHONE: 928-774-2794 CELL: 928-600-0840 E-MAIL: TMARXEN@AOL.COM

PLEASE INDICATE PREFERRED TELEPHONE: HOME ☐ WORK ☒ CELL ☐

BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I AM A PRIVATE PILOT AND I FEEL WE HAVE MORE WORK TO DO IN TRYING TO SECURE AN ADDITIONAL AIRLINE FOR THE CITY OF FLAGSTAFF.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

SERVE A SECOND TERM

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

Terry Marxen
Applicant Signature

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IMPORTANT NOTICE: The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION

RECEIVED

FEB 25 2013

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: February 21, 2013

BOARD/COMMISSION YOU WISH TO SERVE ON: Airport Commission

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED:

YOUR NAME: Russ Yelton **HOME PHONE:** 928-266-1965

HOME ADDRESS: 2787 N. Fairview Drive Flagstaff, AZ **ZIP:** 86004

MAILING ADDRESS (If Different from Above):

EMPLOYER: NACET **JOB TITLE:** President/CEO

BUS. PHONE: 928-213-9234 **CELL:** 828-582-6323 **E-MAIL:** rdyelton@yahoo.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK CELL

BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

As we work with a variety of companies in the region, the airport and its continued success is critical to many of the high technology companies that we are working with. As the companies mature, for many of them access to consistent flights will impact their ability to stay and grow in Northern Arizona. I would like to be a voice for the business community on this Commission.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

I am interested in serving on this commission because of the importance the airport plays in economic development. This infrastructure is critical to many companies in the Flagstaff region and the continued growth of the airport is critical to future company development. I would like to see the airport expand it's number of providers beyond the current single airline that we now have while at the same time ensuring that the relationship with that carrier as they undergo a future merger is strong and that they remain in Flagstaff.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.



Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 02/27/2013
Meeting Date: 03/05/2013



TITLE:

Consideration of Appointments: Transportation Commission.

RECOMMENDED ACTION:

Make one appointment to term expiring July 2015.

Policy Decision or Reason for Action:

By making the above appointment, the Transportation Commission will be at near full membership and will be able to continue meeting on a regular basis. There are three applications on file, they are as follows:

Robin Blankenbaker
Gary Robbins
Jeffrey Stevenson

Financial Impact:

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Connection to Council Goal:

Effective governance.

Has There Been Previous Council Decision on This:

None.

Options and Alternatives:

- 1) Appoint one Commissioner: By appointing member at this time, the Transportation Commission will be at near full membership, allowing the group to meet and provide recommendations to the City Council.
- 2) Table the action to allow for further discussion or expand the list of candidates.

Background/History:

The Transportation Commission consists of seven voting members (a representative from the Flagstaff Unified School District and six citizens) and two non-voting members (City Traffic Engineer and a Police Department representative). While there are currently two citizen seats available, the Commission and staff are in the process of bringing forward recommended changes to the make-up of the Commission to have the sixth citizen seat (currently vacant) be filled by a representative of NAITPA. Therefore, at this time staff is requesting that just the one vacancy be filled. The proposed changes are expected to be before Council within the next few months.

The Transportation Commission reviews requests for changes in traffic regulations and formulates and recommends traffic-related policies and ordinances to the Council. The commission sponsors two subcommittees: the Bicycle Advisory Committee and the Pedestrian Advisory Committee, each consisting of seven voting members.

Key Considerations:

It is important to fill the vacancies so as to allow the Commission to continue meeting on a regular basis.

Expanded Financial Considerations:

None.

Community Benefits and Considerations:

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

Community Involvement:

INFORM: The vacancies are posted on the City's website and individual recruitment and mention of the opening by Board members and City staff has occurred, informing others of this vacancy through word of mouth.

Expanded Options and Alternatives:

COUNCIL INTERVIEW TEAM: Councilmember Oravits and Mayor Nabours.

Attachments: [Transportation Commission Roster](#)
 [Transportation Commission Authority](#)
 [Transportation Commission Applicant Roster](#)
 [Transportation Commission Applications](#)



City of Flagstaff, AZ

TRANSPORTATION COMMISSION MEMBERS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Jensen, Willis</u> CITIZEN MEMBER Statistician/W.L. Gore & Associates 2780 N. Eddy Drive Flagstaff, AZ 86001 Home Phone: 226-6948 Term: (1st 3/07-7/07; 2nd-7/07-7/10; 3rd 7/10-7/13)	10/19/2010	07/13	10/17/2007
<u>Kuhn, Bob</u> SCHOOL REPRESENTATIVE Flagstaff Unified School District 3285 E. Sparrow St. Flagstaff, AZ 86004 Work Phone: 527-6011		Indefinite	No
<u>Miller, Walt</u> POLICE DEPT. REPRESENTATIVE Deputy Chief/City of Flagstaff Police Dept. 911 E. Sawmill Rd. Flagstaff, AZ 86001 Work Phone: 774-3646		Indefinite	04/18/2007
<u>Mullen, Robert</u> CITIZEN MEMBER Instructor/NAU P.O. Box 3809 Flagstaff, AZ 86003 Cell Phone: 928-600-6643 Term: (1st 5/11-7/14)	05/03/2011	07/14	10/20/2011



City of Flagstaff, AZ

<u>Parkes, Kevin</u>	10/19/2010	07/13	No
CITIZEN MEMBER Budget Officer/Grand Canyon National Park 1738 West University Heights Drive South Flagstaff, AZ 86001 Term: (1st 10/10-7/13)			
<u>Spice, Derik</u>	02/21/2012	07/14	No
CITIZEN MEMBER Grand Canyon River Guide/Ski Patroller/Arizona Raft Adventures/Arizona Snowbowl 2008 N. 2nd St Flagstaff, AZ 86004 Cell Phone: 435-901-1302 Term: (1st 2/12-7/14)			
<u>Z-VACANT,</u>		07/15	No
CITIZEN MEMBER			
<u>Z-VACANT,</u>		07/15	No
NAIPTA REPRESENTATIVE			

Staff Representative: Jeff Bauman

As Of: February 21, 2013

CHAPTER 2-12
TRANSPORTATION COMMISSION

SECTIONS:

<u>2-12-001-0001</u>	CITY POLICY:
<u>2-12-001-0002</u>	CREATION OF THE FLAGSTAFF TRAFFIC COMMISSION:
<u>2-12-001-0003</u>	TERMS OF OFFICE:
<u>2-12-001-0004</u>	MEETINGS:
<u>2-12-001-0005</u>	FUNCTIONS OF THE COMMISSION:
<u>2-12-001-0006</u>	OTHER POWERS:
<u>2-12-001-0007</u>	APPEAL PROCEDURE:

SECTION 2-12-001-0001 CITY POLICY:

It is the policy of the City, in the exercise of the powers vested in the City Council for the protection of the public safety and promotion of the general welfare, to promote the safety of the traveling public and to improve utilization of the public ways for all forms of transportation.

SECTION 2-12-001-0002 CREATION OF THE TRANSPORTATION COMMISSION

A. There is hereby created a commission to be known as the Transportation Commission. The Commission shall consist of seven (7) voting members and two (2) non-voting members.

1. Voting members:

- a. The Superintendent of the Flagstaff Unified School District or his/her designated representative.
- b. Six (6) citizen members appointed by the City Council.

2. Ex-officio, non-voting members:

- a. One City of Flagstaff police officer appointed by the Chief of Police.
- b. The Traffic Engineer.

In addition, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.

B. Officers of the Commission shall be elected by the voting members of the Commission from the citizen membership.

(Ord. No. 2007-21, Amended 02/06/2007; Ord. 2010-14, Amended 6/15/10)

SECTION 2-12-001-0003 TERMS OF OFFICE:

Citizen members of the Commission shall serve staggered three (3) year terms.

A member's term of office shall commence with the first regular Commission meeting following his appointment and terminate with the regular Commission meeting at which his successor takes office.

A Commission member who is absent from three consecutive regular meetings may have their remaining term terminated by a vote of the City Council upon recommendation of the Commission.

(Ord. No. 1942, Amended, 05/06/97); Ord. 2010-14, Amended 6/15/2010)

SECTION 2-12-001-0004 MEETINGS

The Commission shall meet at least once each month at a regularly scheduled time and place to be designated by the Commission, and shall hold such special meetings as the membership shall decide and at such times and places as the Commission shall specify.

Meetings shall be conducted in accordance with the Board and Commission Members' Handbook adopted by resolution of the Flagstaff City council, and in compliance with all other local, state, and federal laws.

A quorum shall be one more than half the voting membership of the Commission.

(Ord. 2010-14, Amended 06/15/2010)

SECTION 2-12-001-0005 FUNCTIONS OF THE COMMISSION:

The functions of the Commission shall be:

A. To adopt traffic regulations or deny requests for changes in traffic regulations as follows:

1. To investigate and make determinations on traffic regulation items forwarded to it by the Transportation Engineering Program.
2. To hear the appeals of traffic regulation decisions of the Transportation Engineering Program as set forth in 9-01-001-0007 C. of the City Code
3. To forward to the City Council those traffic regulation items which it deems to be of sufficient interest to the general public as to require decision by the Council.

B. To formulate and recommend policies and ordinances to the City Council governing the general operations of the City streets, alleys, sidewalks and bikeways.

- C. To review periodically traffic regulation actions of the Transportation Engineering Program.
- D. To promote pedestrian, bicycle, transit and driver education programs in the school systems and to disseminate traffic and safety information to the public at large.
- E. To annually advise the City Council of the progress and expenditures of the City's Transportation Capital Improvements Program as related to the Election of May 2000. To carry out this function, the Transportation Commission shall:
 - 1. Meet biannually with the City's Capital Improvements and Financial Services Staff to review the progress of the Transportation Capital Improvement Program's ("CIP") planning and programming efforts;
 - 2. Ensure there is a coordinated approach for budgeting and expending transportation sales tax revenues for all transportation modes;
 - 3. Provide input on the Transportation CIP's prioritization scoring criteria;
 - 4. Provide a forum for public comment and input regarding the Transportation CIP;
 - 5. Publish an annual Transportation CIP Advisory Report; and
 - 6. Present the findings of said report to the City Council during a public meeting in conjunction with the annual budget process. At a minimum, the report shall discuss the previous years' income/expenditures, construction projects and planning activities.
- F. To perform other duties relating to public safety within the scope of this Commission.

(Ord. No. 2007-21, Amended 02/06/2007; Ord. No. 2010-14, Amended 06/15/2010)

SECTION 2-12-001-0006 OTHER POWERS:

- A. The Commission shall have the power to appoint subcommittees for the purpose of defining problems areas of traffic and traffic safety; proposing solutions to defined problems; or for any other undertaking which will reasonably lead to safer and more efficient traffic flow in the City.
- B. The City Council hereby establishes the following advisory committees to the Transportation Commission to provide advice on special traffic and transportation topics, and delegates to the commission the power

to appoint members to these committees. No member of the Transportation Commission shall be a member of an advisory committee. The City Council retains the power to remove a member of an advisory committee for the reasons specified in the City's Board and Commission Members' Handbook.

1. Bicycle Advisory Committee: Seven (7) citizen members appointed for a three-year term. No member may serve more than two three-year terms.
2. Pedestrian Advisory Committee: Seven (7) citizen members appointed for a three-year term. No member may serve more than two three-year terms.

C. The Transportation Commission shall define the operating procedures of the advisory committees, assuring compliance with the Arizona Open Meeting Law, and the City's Board and Commission Members' Handbook, including, but not limited to:

1. The advisory committees shall report on their activities to the Transportation Commission at each commission meeting.
2. The advisory committees shall investigate, consider, and make recommendations to the Transportation Commission on items assigned to them by the Commission regarding their respective areas of interest.
3. The advisory committees shall bring to the Transportation Commission items of a planning, design, or regulatory nature that come to their attention regarding the City's pedestrian and bikeway systems.

(Ord. No. 2007-21, Amended 03/06/2007); (Ord. No. 2007-21, Amended 02/06/2007); (Ordinance No. 2010-14, 06/15/2010)

SECTION 2-12-001-0007 APPEAL PROCEDURE:

Traffic regulation decisions of the Transportation Commission, as set forth in Section 2-12-001-0006 A., may be appealed by any aggrieved party to the City Council by presentation of a request for such an appeal in writing to the Traffic Engineering Section within ten (10) working days of the date of the Commission's action. The appeal shall be placed on the currently open agenda for the next regularly scheduled Council Meeting. The Council may hear arguments and shall make the final decision on the matter. (Ord. 1349, 2-19-85); (Ord. No. 2007-21, Amended 02/06/2007); (Ordinance No. 2010-14, 06/15/2010)



City of Flagstaff, AZ

TRANSPORTATION COMMISSION APPLICANTS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Blankenbaker, Robin</u> Quality/Regulated Compliance/WL Gore and Associates 4160 N. Zermatt Way Flagstaff, AZ 86004 Cell Phone: 828-545-6393			No
<u>Robbins, Gary</u> Attorney/Gary E. Robbins, P.L. 4714 E. Double Eagle Flagstaff, AZ 86004 Home Phone: 928-774-4321			No
<u>Stevenson, Jeffrey</u> Assistant to the CEO/Good Pay Low Rates, Inc. 1741 N. Fairway Dr. Flagstaff, AZ 86004 Cell Phone: 928-522-4133			No

Staff Representative: **Jeff Bauman**

As Of: February 21, 2013

IMPORTANT NOTICE: The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

PLEASE TYPE OR PRINT IN BLACK INK
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: 11/2/11

BOARD/COMMISSION YOU WISH TO SERVE ON: Transportation Commission

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: Bicycle and Pedestrian Advisory Committee

YOUR NAME: Robin K Blankenbaker **HOME PHONE:** 828-545-6393

HOME ADDRESS: 4160 N Zermatt Way **ZIP:** 86004

MAILING ADDRESS (If Different from Above):

EMPLOYER: WL Gore and Associates **JOB TITLE:** Quality/Regulated Compliance

BUS. PHONE: 928-864-4136 **CELL:** 828-545-6393 **E-MAIL:** robinb123@gmail.com

PLEASE INDICATE PREFERRED TELEPHONE: ☐ HOME ☐ WORK ☒ CELL


BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I've been in Flagstaff for only 3 years, but chose Flag as my home, in part, because of the pedestrian pathways available. I am a bicycle, foot and public transportation commuter and, consequently have a passion for keeping and improving this vital aspect of the city. My career has been spent in engineering, planning and compliance. I believe that this background as well as my interest in the transportation future of Flagstaff help me to be qualified for service on the commission. My experience includes participation in and eventual ownership of a community-based cycling team in Asheville, North Carolina. I am also an avid runner and am involved with local running-based groups.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

I'd like to take part in research for, planning and implementation of Flagstaff's transportation plan. I am an active member of Flagstaff's community and would like this opportunity to serve in a capacity where I could work with a team to improve the city in this very important area. Having lived in other more and less commuter-friendly communities, I can bring a perspective that is broad-based. I also believe that transportation planning is crucial to a city's reputation, future sustainability and ability to attract much needed talent.

I certify that I meet the City Charter requirement of living within the Flagstaff City limits and that I have read and understand the right to have my application considered in a public meeting.


Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

11

IMPORTANT NOTICE: The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: 1/3/13

BOARD/COMMISSION YOU WISH TO SERVE ON: TRANSPORTATION

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: ALL

YOUR NAME: GARY ROBBINS HOME PHONE: 928-774-4321

HOME ADDRESS: 4714 E. DOUBLE EAGLE, FLAGSTAFF AZ ZIP: 86004

MAILING ADDRESS (If Different from Above): 121 E. BIRCH AVE, #504, FLAGSTAFF, AZ 86001

EMPLOYER: GARY E. ROBBINS, P.C. JOB TITLE: ATTORNEY

BUS. PHONE: 928-774-4321 CELL: _____ E-MAIL: robbins.12w@gmail.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK CELL

BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I HAVE BEEN A CITY RESIDENT FOR 20+ YEARS + HAVE
HAD A HIGH INTEREST IN ROADS + TRANSPORTATION.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

11

11

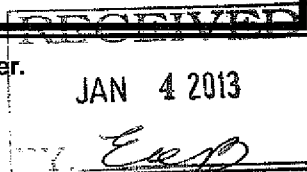
11

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.



Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.



Rec'd
11/30/12

IMPORTANT NOTICE: The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: 11/30/2012

BOARD/COMMISSION YOU WISH TO SERVE ON: Transportation Commission

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED:

YOUR NAME: Jeffrey LaMar Stevenson **HOME PHONE:** 928-522-4133

HOME ADDRESS: 1741 N. Fairway Dr. **ZIP:** 86004

MAILING ADDRESS (If Different from Above):

EMPLOYER: Good Pay Low Rates, Incorporated **JOB TITLE:** Assistant to the CEO

BUS. PHONE: 928-522-4133 **CELL:** 928-522-4133 **E-MAIL:** jeff@jeffreylstevenson.info

PLEASE INDICATE PREFERRED TELEPHONE: ☒ HOME ☒ WORK ☒ CELL

BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I wrote a book on mountain biking in the Payson area. "Rim Country Mountain Biking," Pruett, Boulder CO. 1995
I have bike commuted to work off and on for the last 30 years, hundreds of times, thousands of miles.
I drive a 26-year-old Toyota 4Runner.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

I believe the proper transportation services are one of the biggest challenges facing Flagstaff, both now and into the future. In the past, I helped start the El Tour de Tucson, served as a trained Boy Scout leader for more than 10 years, as a volunteer for the high school marching band for seven years, and as a volunteer for a Middle School Music and Drama program for 9 years. I believe community service is important. We moved to Flagstaff permanently about a year ago and believe that promoting responsible traffic controls for vehicles, pedestrians, and bicycles is vitally important to create a livable town. Public transportation is also a key ingredient. Walk-ability is also a key component of transportation needs.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.


Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 02/27/2013
Meeting Date: 03/05/2013



TITLE:

Consideration of Appointments: Public Safety Personnel Retirement System Board.

RECOMMENDED ACTION:

Approve the Mayor's appointments, one term expiring in January 2015 and one term expiring September 2015.

Policy Decision or Reason for Action:

By approving the above appointments, the Public Safety Personnel Retirement System Board will be at full membership and will be able to continue meeting on a regular basis. There are two applications on file, they are as follows:

Rodney Peterson
David VanBoxtaele (currently serving 1st partial term)

Financial Impact:

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Connection to Council Goal:

Effective governance.

Has There Been Previous Council Decision on This:

None.

Options and Alternatives:

- 1) Approve appointment of the two members, enabling the Public Safety Personnel Retirement System Board to be at full membership, and allowing the group to meet and provide recommendations to the City Council.
- 2) Table the action to allow for further discussion or expand the list of candidates.

Background/History:

The Public Safety Personnel Retirement System Board consists of the Mayor, two citizens serving three-year terms, and two representatives each from the Police Department and Fire Department. There are currently two Citizen seats available and pursuant to ARS the Mayor makes the appointments, with approval of the Council. The Police Department and Fire Department representatives are elected by members of the respective departments.

The board meets as needed to process membership and retirement applications from Flagstaff police officers and firefighters.

Key Considerations:

It is important to fill the vacancy so as to allow the Board to continue meeting on a regular basis.

Expanded Financial Considerations:

None.

Community Benefits and Considerations:

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

Community Involvement:

INFORM: The vacancies are posted on the City's website and individual recruitment and mention of the openings by Board members and City staff has occurred, informing others of this vacancy through word of mouth.

Expanded Options and Alternatives:

COUNCIL INTERVIEW TEAM: Mayor Nabours.

Pursuant to Arizona State Statutes, the two citizens are appointed by the Mayor with the approval of the governing body of the City.

Council Action:

Attachments: [PSPRS Roster](#)
 [PSPRS Authority](#)
 [PSPRS Applicant Roster](#)
 [PSPRS Applications](#)



City of Flagstaff, AZ

PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEMBERS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Harvel, James C.</u> Citizen Member Retired 6650 E. Vail Drive Flagstaff, AZ 86004 Home Phone: (928) 526-1944 Term: (1st 4/03-9/04; 2nd 9/04-9/08; 3rd 9/08-9/12)	05/03/2005	09/12	04/18/2007
<u>Higgins, Frank</u> Employee Member Lieutenant/City of Flagstaff Police Dept. 911 E. Sawmill Rd. Flagstaff, AZ 86001 Work Phone: 928-556-2306 Term: (1st 2/13-12/15)	02/01/2013	12/15	No
<u>Holyfield, David</u> Employee Member Detective/City of Flagstaff Police Dept. Flagstaff, AZ 86001 Work Phone: (928) 779-3646 Term: (1st 12/07-12/11; 2nd 12/11-12/15)	12/17/2007	12/15	No
<u>Mierendorf, Brett</u> Employee Member Fire Fighter/City of Flagstaff Fire Dept. 211 W. Aspen Ave. Flagstaff, AZ 86001 Home Phone: (928) 779-7688 Term: (1st 3/06 - 3/10; 2nd 3/10-3/14)	03/01/2010	03/14	No



City of Flagstaff, AZ

<u>Nabours, Jerry</u>	07/03/2012	Indefinite	No
Mayor/Chair Mayor/City of Flagstaff 211 W. Aspen Ave. Flagstaff, AZ 86001 Work Phone: 779-7600			
<u>Strohmeyer, Scott</u>	03/01/2010	03/14	No
Employee Member Fire Fighter/City of Flagstaff Fire Dept. Flagstaff, AZ 86001 Home Phone: (928)779-7688 Term: (1st 3/06 - 3/10; 2nd 3/10-3/14)			
<u>VanBoxtaele, David</u>	01/15/2008	01/12	02/16/2012
Citizen Member Special Agent/State of Arizona Dept. of Gaming 738 N. Hulet Lane Flagstaff, AZ 86004 Cell Phone: 699-5036 Term: (1st 1/08-1/12)			

Staff Representative: Barela/Fennema

As Of: February 21, 2013

Arizona State Legislature

Bill Number Search: 

Fiftieth Legislature - Second Regular Session

[Email a Member](#) | [Email Webmaster](#)[change session](#) | [printer friendly version](#)[Senate](#)[House](#)[Legislative Council](#)[JLBC](#)[More Agencies](#)[Bills](#)[Committees](#)[Calendars/News](#)[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)**38-847. Local boards**

A. The administration of the system and responsibility for making the provisions of the system effective for each employer are vested in a local board. The department of public safety, the Arizona game and fish department, the department of emergency and military affairs, the university of Arizona, Arizona state university, northern Arizona university, each county sheriff's office, each county attorney's office, each county parks department, each municipal fire department, each eligible fire district, each community college district, each municipal police department, the department of law, the department of liquor licenses and control, the Arizona department of agriculture, the Arizona state parks board, each Indian reservation police agency and each Indian reservation fire fighting agency shall have a local board. A nonprofit corporation operating pursuant to sections 28-8423 and 28-8424 shall have one local board for all of its members. Each local board shall be constituted as follows:

1. For political subdivisions or Indian tribes, the mayor or chief elected official or a designee of the mayor or chief elected official approved by the respective governing body as chairman, two members elected by secret ballot by members employed by the appropriate employer and two citizens, one of whom shall be the head of the merit system, or the head's designee from among the other members of the merit system, if it exists for the group of members, appointed by the mayor or chief elected official and with the approval of the governing body of the city or the governing body of the employer. The appointed two citizens shall serve on both local boards in a city or Indian tribes where both fire and police department employees are members.

2. For state agencies and nonprofit corporations operating pursuant to sections 28-8423 and 28-8424, two members elected by secret ballot by members employed by the appropriate employer and three citizens appointed by the governor. Each state agency local board shall elect a chairman.

3. For fire districts organized pursuant to section 48-804, the secretary-treasurer as chairman, two members elected by secret ballot by members employed by the fire district and two citizens appointed by the secretary-treasurer, one of whom is a resident of the fire district and one of whom has experience in personnel administration but who is not required to be a resident of the fire district.

B. On the taking effect of this system for an employer, the appointments and elections of local board members shall take place with one elective and appointive local board member serving a term ending two years after the effective date of participation for the employer and other local board members serving a term ending four years after the effective date. Thereafter, every second year, and as a vacancy occurs, an office shall be filled for a term of four years in the same manner as previously provided.

C. Each local board shall be fully constituted pursuant to subsection A of this section within sixty days after the employer's effective date of participation in the system. If the deadline is not met, on the written request of any member who is covered by the local board or the employer to the board of trustees, the board of trustees may appoint all vacancies of the local board pursuant to subsection A of this section and designate whether each appointive position is for a two year or four year term. If the board of trustees cannot find individuals to serve on the local board who meet the requirements of subsection A of this section, the board of trustees may appoint individuals to serve as interim local board members until qualified individuals are appointed or elected. Each local board shall meet at least twice a year. Each member of a local board, within ten days after the member's appointment or election, shall take an oath of office that, so far as it devolves on the member, the member shall diligently and honestly administer the affairs of the local board and that the member shall not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the system.

D. Except as limited by subsection E of this section, a local board shall have such

powers as may be necessary to discharge the following duties:

1. To decide all questions of eligibility and service credits, and determine the amount, manner and time of payment of any benefits under the system.
 2. To prescribe procedures to be followed by claimants in filing applications for benefits.
 3. To make a determination as to the right of any claimant to a benefit and to afford any claimant or the board of trustees, or both, a right to a rehearing on the original determination. Except as otherwise required by law, unless all parties involved in a matter presented to the local board for determination otherwise agree, the local board shall commence a hearing on the matter within ninety days after the date the matter is presented to the local board for determination. If a local board fails to commence a hearing as provided in this paragraph, on a matter presented to the local board for determination, the relief demanded by the party petitioning the local board is deemed granted and approved by the local board. The granting and approval of this relief is considered final and binding unless a timely request for rehearing or appeal is made as provided in this article, unless the board of trustees determines that granting the relief requested would violate the internal revenue code or threaten to impair the system's status as a qualified plan under the internal revenue code. If the board of trustees determines that granting the requested relief would violate the internal revenue code or threaten to impair the system's status as a qualified plan, the board of trustees may refuse to grant the relief by issuing a written determination to the local board and the party petitioning the local board for relief. The decision by the board of trustees is subject to judicial review pursuant to title 12, chapter 7, article 6.
 4. To request and receive from the employers and from members such information as is necessary for the proper administration of the system and action on claims for benefits and to forward such information to the board of trustees.
 5. To distribute, in such manner as the local board determines to be appropriate, information explaining the system received from the board of trustees.
 6. To furnish the employer, the board of trustees and the legislature, on request, with such annual reports with respect to the administration of the system as are reasonable and appropriate.
 7. To receive and review the actuarial valuation of the system for its group of members.
 8. To receive and review reports of the financial condition and of the receipts and disbursements of the fund from the board of trustees.
 9. To appoint medical boards as provided in section 38-859.
 10. To sue and be sued to effectuate the duties and responsibilities set forth in this article.
- E. A local board shall have no power to add to, subtract from, modify or waive any of the terms of the system, change or add to any benefits provided by the system or waive or fail to apply any requirement of eligibility for membership or benefits under the system. Notwithstanding any limitations periods imposed in this article, including subsection D, paragraph 3 and subsections G and H of this section, if the board of trustees determines a local board decision violates the internal revenue code or threatens to impair the system's status as a qualified plan under the internal revenue code, the local board's decision is not final and binding and the board of trustees may refrain from implementing or complying with the local board decision.
- F. A local board, from time to time, shall establish and adopt such rules as it deems necessary or desirable for its administration. All rules and decisions of a local board shall be uniformly and consistently applied to all members in similar circumstances. If a claim or dispute is presented to a local board for determination but the local board has not yet adopted uniform rules of procedure for adjudication of the claim or dispute, the local board shall adopt and use the model uniform rules of local board procedure that are issued by the board of trustees' fiduciary counsel to adjudicate the claim or dispute.
- G. Except as otherwise provided in this article, any action by a majority vote of the members of a local board that is not inconsistent with the provisions of the system and the internal revenue code shall be final, conclusive and binding on all persons affected by it unless a timely application for a rehearing or appeal is filed as provided in this article. No later than twenty days after taking action, the local board shall submit to the board of trustees the minutes from the local board meeting that include the name of the member affected by its decision, a description of the action taken and an explanation of the reasons and all documents submitted to the local board for the action taken, including the reports of a medical board. The board of trustees may not implement and comply with any local board action that does not comply with the internal revenue code or that threatens to jeopardize the system's status as a qualified plan under the internal revenue code.
- H. A claimant or the board of trustees may apply for a rehearing before the local board within the time periods prescribed in this subsection, except that if a decision of a local board violates the internal revenue code or threatens to jeopardize the system's status as a qualified plan under the internal revenue code, no limitation period for the board of trustees to seek a rehearing of a local board decision applies. An application for a rehearing shall be filed in writing with a member of the local board or its secretary within sixty days after:
1. The applicant-claimant receives notification of the local board's original action by

certified mail, by attending the meeting at which the action is taken or by receiving benefits from the system pursuant to the local board's original action, whichever occurs first.

2. The applicant-board of trustees receives notification of the local board's original action as prescribed by subsection G of this section by certified mail.

I. A hearing before a local board on a matter remanded from the superior court is not subject to a rehearing before the local board.

J. Decisions of local boards are subject to judicial review pursuant to title 12, chapter 7, article 6.

K. When making a ruling, determination or calculation, the local board shall be entitled to rely on information furnished by the employer, a medical board, the board of trustees, independent legal counsel or the actuary for the system.

L. Each member of a local board is entitled to one vote. A majority is necessary for a decision by the members of a local board at any meeting of the local board.

M. The local board shall adopt such bylaws as it deems desirable. The local board shall elect a secretary who may, but need not, be a member of the local board. The secretary of the local board shall keep a record and prepare minutes of all meetings in compliance with chapter 3, article 3.1 of this title and forward the minutes and all necessary communications to the board of trustees as prescribed by subsection G of this section.

N. The fees of the medical board and of the local board's independent legal counsel and all other expenses of the local board necessary for the administration of the system shall be paid by the employer and not the board of trustees or system at such rates and in such amounts as the local board shall approve. Legal counsel that is employed by the local board is independent of the employer and any employee organization or member and owes its duty of loyalty only to the local board in connection with its representation of the local board.

O. The local board shall issue directions to the board of trustees concerning all benefits that are to be paid from the employer's account pursuant to the provisions of the fund. The local board shall keep on file, in such manner as it may deem convenient or proper, all reports from the board of trustees and the actuary.

P. The local board and the individual members of the local board shall be indemnified from the assets of the employer for any judgment against the local board or its members, including attorney fees and costs, arising from any act, or failure to act, made in good faith pursuant to the provisions of the system, including expenses reasonably incurred in the defense of any claim relating to the act or failure to act.



City of Flagstaff, AZ

PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM APPLICANTS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Peterson, Rodney</u> Retired 1506 N. Sunset Dr. Flagstaff, AZ 86001 Cell Phone: 928-607-0675			No
<u>VanBoxtaele, David</u> Citizen Member Manager/Arizona Dept. of Gaming 738 N. Hulet Ln Flagstaff, AZ 86004 Cell Phone: 928-699-5036			No

Staff Representative: **Barela/Fennema**

As Of: February 21, 2013

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CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION

RECEIVED

DEC 17 2012

BY: 

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: 12/13/12

BOARD/COMMISSION YOU WISH TO SERVE ON: _____ PSPRS

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: _____ PSPRS

YOUR NAME: _____ Rodney Peterson _____ HOME PHONE: _____ 928-779-1890

HOME ADDRESS: _____ 1506 N. Sunset Dr. _____ ZIP: _____ 86001

MAILING ADDRESS (If Different from Above): _____

EMPLOYER: _____ Retired _____ JOB TITLE: _____

BUS. PHONE: _____ CELL: _____ 928-607-0675 _____ E-MAIL: _____ cajoro1506@hotmail.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK ☒ CELL

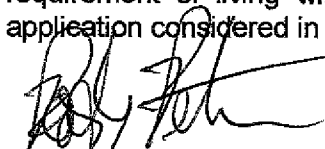
BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

Retired Fire Capt from FFD that served on PSPRS board while on active duty for several years.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

I believe everyone should give back to there community that has provided for them in some way!!

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.



Applicant Signature

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Rec'd 12/3/12

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CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: 12/3/12

BOARD/COMMISSION YOU WISH TO SERVE ON: Public Safety Personnel Retirement Board

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: Citizen vacancy

YOUR NAME: David VanBoxtaele HOME PHONE: 928-527-7757

HOME ADDRESS: 738 N. Hulet Ln. ZIP: 86004

MAILING ADDRESS (If Different from Above): same

EMPLOYER: State of Arizona / Arizona Department of Gaming JOB TITLE: Manager

BUS. PHONE: 928-699-6128 CELL: 928-699-5036 E-MAIL: dvanboxtaele@azgaming.gov

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK ☒ CELL

BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I have served on the PSPRS board for the last 4 years and would like to continue my service. I have also served on the Big Brothers / Big Sisters activity board for 8 years. I was also a "Big Brother" in the community based mentoring program for 9 years. I was named Arizona Big Brother of the year in 2005. I was also on the Flagstaff P.D. / Coconino County Fallen Officer Memorial committee for 4 years, raising private donations to build the fallen officer memorial in front of the Police and Sheriff's department.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

I am fortunate to have been employed by the City of Flagstaff Police Department for 22 years (1975 - 1997) and feel it is very important to give back to the community.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.


Applicant Signature

12/3/12

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 02/27/2013
Meeting Date: 03/05/2013



TITLE:

Consideration and Action on Liquor License Application: Lauren Merrett, "Maverik", 1690 W. Rte 66, Series 09 (liquor store - all spirituous liquor), Person Transfer and Location Transfer.

RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with no recommendation; or
3. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Policy Decision or Reason for Action:

Series 09 (Liquor Store - all spirituous liquor) licenses are obtained through the person and location transfer of an existing license from another business. The person and location transfer are from Patrick Alan Hurley for Whistle Stop Fueling Station LLC located at 730 W. Rte 66, Williams, Arizona. The liquor license purchased from Whistle Stop Fueling Station was inactive at the time of sale. The Maverik location at 1690 W. Rte 66 is currently operating with a Series 10 liquor license, which is for a liquor store selling beer and wine only.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Connection to Council Goal:

Effective governance - regulatory action.

Has There Been Previous Council Decision on This:

Not applicable.

Options and Alternatives:

1. Table the item if additional information or time is needed.
2. Make no recommendation.
3. Forward the application to the State with a recommendation for approval.
4. Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

Background/History:

An application for a person transfer and location transfer Series 09 liquor license was received from Lauren Merrett for Maverik, 1690 W. Route 66. The person transfer and location transfer are from Patrick Alan Hurley for Whistle Stop Fueling Station LLC located at 730 W. Route 66, Williams, Arizona. The liquor license purchased from Whistle Stop Fueling Station LLC was inactive at the time of sale.

A background investigation performed by Sgt. Matt Wright of the Flagstaff Police Department resulted in a recommendation for approval.

A background investigation performed by Tom Boughner, Environmental Code Specialist, resulted in no active code violations being reported.

Sales tax and licensing information was reviewed by Ranbir Cheema, Tax, Licensing & Revenue Manager, who stated that the business is in compliance with the tax and licensing requirements of the City.

Key Considerations:

Because the application is for both a person transfer and location transfer, consideration may be given to both the applicant's personal qualifications and the location.

A Series 09 (Liquor Store) license allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

The deadline for issuing a recommendation on this application is March 8, 2013.

The applicant is not required to provide the distance between the applicant's business and the nearest church or school for government (Series 05), hotel/motel (Series 11), or restaurant, (Series 12) liquor license applications; the State does not require a geological map or list of licenses in the vicinity for any license series.

Expanded Financial Considerations:

This business will contribute to the tax base of the community. We are not aware of any other relevant considerations.

Community Benefits and Considerations:

The application was properly posted on January 31, 2013. No written protests have been received to date.

Expanded Options and Alternatives:

- (1) Table the item if additional information or time is needed.
- (2) Make no recommendation.
- (3) Forward the application to the State with a recommendation for approval.
- (4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

Attachments: [Maverik Letter to Applicant](#)
[Hearing Procedures](#)
[Series 9 Description](#)
[Maverik Section 13](#)
[Maverik PD Memo](#)
[Maverik Code Memo](#)
[Maverik Tax Memo](#)

OFFICE OF THE CITY CLERK

February 21, 2013

Maverik Inc.
Attn: Lauren Merrett
736 S. Longmore St
Chandler, AZ 85224

Dear Ms. Merrett:

Your application for a Series 09 person transfer and location transfer liquor license for Maverik at 1690 W. Rte 66 was posted on January 31, 2013. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on Tuesday, March 5, 2013 which begins at 4:00 p.m.

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license and to make a presentation on that information, as well as stating whether or not you have attended the necessary training, whether or not you have had a business prior to this one, and, if so, the kinds of business(es) you have operated. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application will expire on February 20, 2013, and the application may be removed from the premises at any time.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy Saltzburg
Deputy City Clerk

Enclosure



City of Flagstaff

Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

License Types: Series 09 Liquor Store License (All spirituous liquors)

Transferable (From person to person and/or location to location within the same county only)

Off-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

PURPOSE:

Allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of **DELIVERY**. The retailer must complete a Department approved "Record of Delivery" form for each spirituous liquor retail delivery.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept delivery of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name Whistle Stop #100
(Exactly as it appears on license) Address 730 W Rt 66 Williams Az 86046
2. New Business: Name Maverik
(Physical Street Location) Address 1690 W RT 66 Flagstaff AZ 86001
3. License Type: series 09 License Number: 09030052
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? business is currently open with series 10 What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02) c) Government license (§ 4-205.03)
b) Hotel/motel license (§ 4-205.01) d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 3252 ft. Name of school Pine Forrest Charter School
Address 1120 W Kiabab Ln Flagstaff AZ 86001
City, State, Zip _____
2. Distance to nearest church: 2112 ft. Name of church Flagstaff Tabernacle
Address 1201 W Kiabab Ln Flagstaff AZ 86001
City, State, Zip _____
3. I am the: ☐ Lessee ☐ Sublessee ☒ Owner ☐ Purchaser (of premises)
4. If the premises is leased give lessors: Name _____
Address _____
City, State, Zip _____
- 4a. Monthly rental/lease rate \$ _____ What is the remaining length of the lease ___ yrs. ___ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ _____ or other _____
(give details - attach additional sheet if necessary)
5. What is the total business indebtedness for this license/location excluding the lease? \$ 0
Please list lenders you owe money to. this is a publicly traded corporation self funded

Last	First	Middle	Amount Owed	Mailing Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Convenience Store

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
☐ YES ☒ NO If yes, attach explanation.
8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? ☐ YES ☒ NO
9. Is the premises currently licensed with a liquor license? ☒ YES ☐ NO If yes, give license number and licensee's name:
- License # 10033107 (exactly as it appears on license) Name Maverik Laure4 Kay Merrett

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? ☐ YES ☐ NO
If yes, give the name of licensee, Agent or a company name: _____ and license #: _____
Last First Middle
2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this ☐ hotel/motel ☐ restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

applicant's signature

As stated in A.R.S. § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your business:
- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Entrances/Exits | <input checked="" type="checkbox"/> Liquor storage areas | Patio: <input type="checkbox"/> Contiguous |
| <input type="checkbox"/> Service windows | <input type="checkbox"/> Drive-in windows | <input type="checkbox"/> Non Contiguous |
2. Is your licensed premises currently closed due to construction, renovation, or redesign? ☐ YES ☒ NO
If yes, what is your estimated opening date? _____
month/day/year
3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

LM
applicants initials

MEMORANDUM

Memo #13-023-01

TO: Chief Treadway

FROM: Sgt. Matt Wright #704

DATE: February 7, 2013

REF Series 9 Person and Location Transfer application for MAVERIK located at 1690 West Route 66

On February 7, 2013, I initiated an investigation into an application for a series 9 (liquor store) person and location transfer. The application was filed by Agent, Lauren Merrett, and Controlling Persons Roger Green, Spencer Hewlett, Bradley Call, Michael Call and Robert Whetten. The applicants all have interest and represent Maverik Inc. The Maverik store is located at located 1690 W. Route 66 in Flagstaff. The liquor license number is 09030052.

This license has been purchased by Maverik from the previous owner Patrick Hurley who represented the Whistle Stop located at 730 W. Rt. 66 in Williams, Arizona. The City of Williams is within Coconino County. Maverik is now requesting a name and location change on the license.

The Maverik store is currently operating with a series 10 (beer and wine) liquor license number 10033107. This license is in good standing and no recent liquor violations can be found.

A query through local systems and public access on Lauren Merrett, Roger Green, Spencer Hewlett, Bradley Call, Michael Call and Robert Whetten showed no derogatory records. Lauren stated she has no pending or past liquor law violations and has several other licenses but only has an administrative interest in the liquor license. Lauren also confirmed the current manager for the store has taken the mandatory liquor law training courses and would be able to provide proof if needed.

The business is located more than 300 feet from any church or school.

As a result of this investigation, I can find no reason to oppose this series 9 liquor license name and location transfer. The recommendation to Council would be for approval.



Planning and Development Services Memorandum

January 30, 2013

TO: Susan Alden, City Records Technician

THROUGH: Roger Eastman, AICP, Zoning Code Administrator

FROM: Gregory Brooks, Code Compliance Officer II

RE: Application for Liquor License #09030002
1690 W. Rt. 66, Flagstaff, Arizona 86001
Assessor's Parcel Number 112-44-006A
Lauren Merrett on behalf of Maverik, Inc.

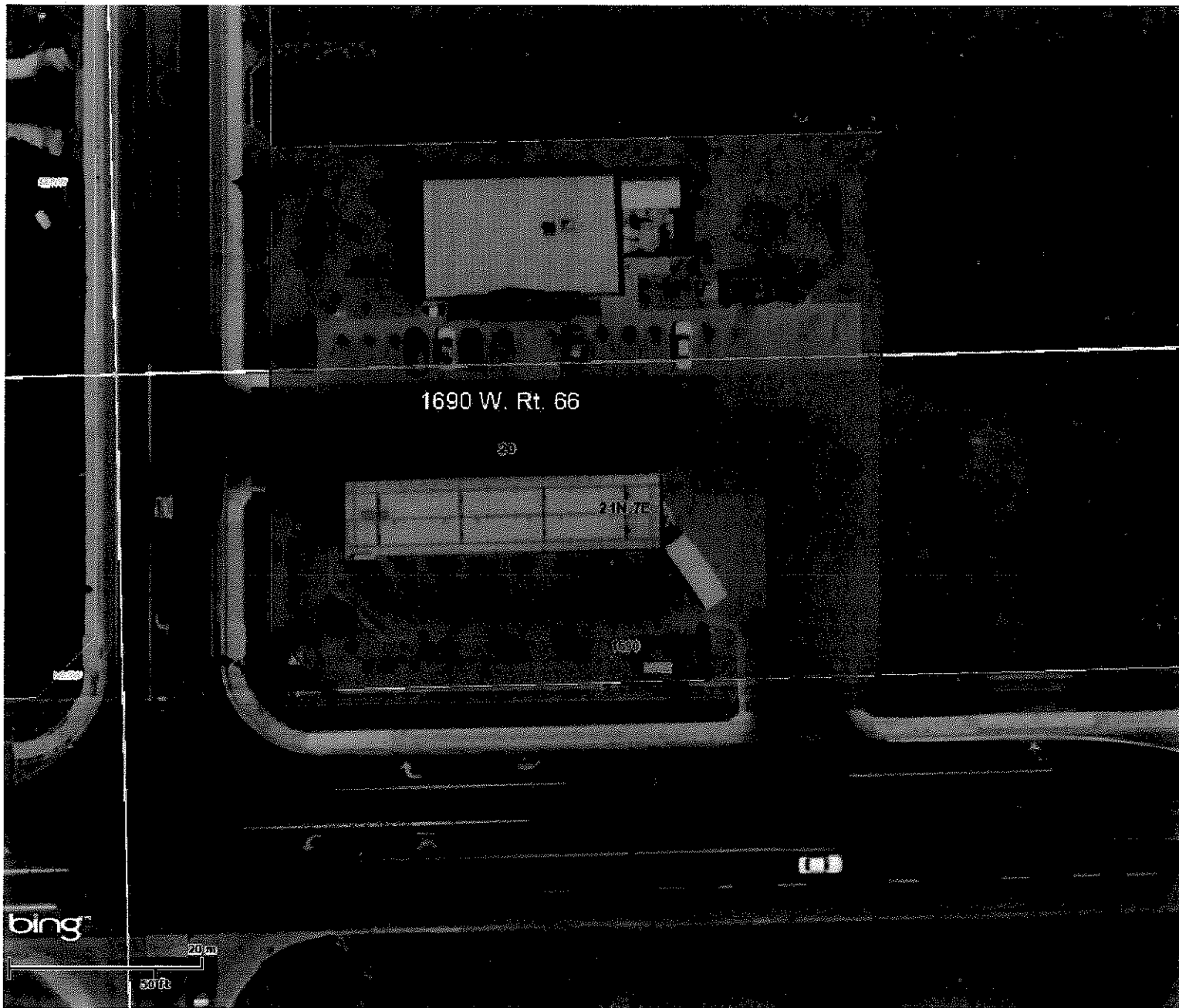
This application is a request for a Series 09 (Liquor Store) person transfer license and location transfer liquor license from Lauren Merrett on behalf of Maverik, Inc., located in the Highway Commercial (HC) Zone. This district allows for liquor stores.

There are no active Zoning Code violations associated with Lauren Merrett or Maverik, Inc. at this time.

This liquor license is recommended for approval.

Maverik

1690 W. Rt. 66



Wed Jan 30 2013 10:44:38 AM.

Memo

To: Stacy Saltzburg, Deputy City Clerk

From: Ranbir Cheema - Tax, Licensing & Revenue Manager

Date: February 19, 2013

Re: Series 9 Liquor License – Person Transfer and Location Transfer – Maverik
Rte 66

Maverik Inc has a Transaction Privilege Tax license with the City and is current in reporting and remitting sales tax to the City. Currently, they are in compliance with the sales tax and licensing requirements of the City.

/liquor licenses/Maverik Rte 66.doc

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Michael Scheu, Building Official
Co-Submitter: Rick Compau, Purchasing Director
Date: 02/27/2013
Meeting Date: 03/05/2013



TITLE:

Consideration and Approval of Proposal and Award of Contract: Residential & Commercial Plan Review Service.

RECOMMENDED ACTION:

Consider approving the proposal and awarding the contract to Brown & Associates @ 65% of the adopted plan review fee or \$80.00 per hour.

Policy Decision or Reason for Action:

Due to staffing levels and the projected increase in building activity, acquiring this service will allow plan review time frames to be completed in a timely manner and building permits issued more expediently.

Financial Impact:

This is an unbudgeted request to be funded from contingency appropriation in the General Fund 001-7202-510-2812. Although this is an unbudgeted request, the General Fund will see an increase in revenues that will offset these charges resulting in no impact to the fund balance. The cost of this service will be 65% of the building permit fee.

Connection to Council Goal:

Effective governance

Previous Council Decision on This:

No.

Options and Alternatives:

Option 1: Approve the proposal from Brown & Associates.

Option 2: Reject all proposals submitted and re-advertise the Request for Proposals.

Option 3: Reject all proposals submitted and not utilize a third party plan review service.

Background/History:

In May of 2012, a third party plan review service was acquired through an informal competitive proposal process, due to an influx of building projects in which City Staff could not provide timely plan reviews. When the Community Development Division contracted for this plan review service, plan review time frames went from 8-10 weeks to 4-5 week turn around times. The need for this plan review service began to escalate to more than what we anticipated and therefore, a formal Request for Proposals (RFP) was issued on November 16, 2012, with proposal responses due no later than December 6, 2012. There were a total of five (5) proposal responses received that were evaluated and scored according to the evaluation criteria outlined in the RFP, as follows: Presented Approach (20 %), Qualifications and Experience in Reviewing Residential and Commercial Plans (40%), References and Past Performance (20%) and Value and Pricing Structure (20%). Brown & Associate's proposal was scored the highest and was determined to be the most satisfactory and advantageous to the City.

Key Considerations:

By providing more timely plan reviews, building permits will be issued quicker and therefore, more contractors and sub-contractors for residential and commercial construction projects can commence work sooner and bring more revenue and more jobs to the Flagstaff community.

Expanded Financial Considerations:

None

Community Benefits and Considerations:

Utilizing a third party plan review firm will expedite the plan review process and allow for timely issuance of building permits and will allow builders to keep building.

Community Involvement:

None

Expanded Options and Alternatives:

None

Attachments: Scoring Tabulation
 Service Agreement

CITY OF FLAGSTAFF
PURCHASING DIVISION
RESIDENTIAL AND COMMERCIAL PLAN REVIEW ON-CALL SERVICES, RFP NO., 2013-19

SCORING TABULATION

Evaluation Criterion #1-- (20 Points) Presented Approach (Suitability of the Proposal)					
	Willdan Engineering	Brown and Associates	Stantec	Bureau Veritas North America	Madara Engineering
Evaluator #1	80	100	80	80	80
Evaluator #2	76	76	98	78	78
Evaluator #3	60	80	100	100	60
Evaluator #4	100	100	100	80	80
Evaluator #5	100	100	100	80	100
Subtotal:	416	456	478	418	398
Criteria Ranking:	4	2	1	3	5

Evaluation Criterion #2-- (40 Points) Qualifications and Experience in Reviewing Residential and Commercial Plans					
	Willdan Engineering	Brown and Associates	Stantec	Bureau Veritas North America	Madara Engineering
Evaluator #1	160	160	120	160	120
Evaluator #2	156	176	176	144	144
Evaluator #3	200	200	200	200	200
Evaluator #4	200	200	200	200	200
Evaluator #5	200	200	200	200	200
Subtotal:	916	936	896	904	864
Criteria Ranking:	2	1	4	3	5

Evaluation Criterion #3-- (20 Points) References and Past Performance					
	Willdan Engineering	Brown and Associates	Stantec	Bureau Veritas North America	Madara Engineering
Evaluator #1	80	80	60	60	80
Evaluator #2	54	86	100	74	74
Evaluator #3	60	80	100	80	80
Evaluator #4	80	80	80	80	80
Evaluator #5	100	100	100	100	60
Subtotal:	374	426	440	394	374
Criteria Ranking:	4	1	2	3	4

Evaluation Criterion #4-- (20 Points) Value and Pricing Structure					
	Willdan Engineering	Brown and Associates	Stantec	Bureau Veritas North America	Madara Engineering
Evaluator #1	0	80	20	60	100
Evaluator #2	60	80	80	90	100
Evaluator #3	40	60	100	100	80
Evaluator #4	60	100	80	80	100
Evaluator #5	60	100	80	80	100
Subtotal:	220	420	360	410	480
Criteria Ranking:	5	2	4	3	1
TOTAL SCORE:	1926	2238	2174	2126	2116
Total Criteria Ranking:	5	1	2	3	4

**SERVICE AGREEMENT
FOR
RESIDENTIAL AND COMMERCIAL PLAN REVIEW**

**CITY OF FLAGSTAFF
and
BROWN & ASSOCIATES CERTIFIED INSPECTION SERVICES, INC.**

This Agreement for a City of Flagstaff Residential and Commercial Plan Review On-Call Services ("Agreement") is made by and between the City of Flagstaff ("City"), a municipal corporation with offices at 211 W. Aspen Avenue, Flagstaff, Coconino County, Arizona, and Brown & Associates Certified Inspection Services, Inc., an Arizona corporation with an office at 13430 N. Scottsdale Rd., Suite 301, Scottsdale, Arizona 85254 ("Provider"), effective as of the date written below.

RECITALS

- A. The City desires to enter into this Agreement for residential and commercial plan review for the City of Flagstaff's Community Development Division; and
- B. Provider has available and offers to provide the personnel necessary to organize and provide said services in accordance with the Scope of Work, attached to this Agreement as Exhibit A;

For the reasons recited above, and in consideration of the mutual covenants contained in this Agreement, the City and Provider agree as follows:

1. SERVICES TO BE PERFORMED BY PROVIDER

Provider agrees to provide the services, as set forth in detail in Exhibit "A" attached hereto and hereby incorporated as part of this Agreement and adopted by reference.

2. COMPENSATION OF PROVIDER

The City agrees to make payment, in a fee amount at 65% of building plan review, or \$80 per hour for both residential and commercial plan review set forth in Exhibit "A".

3. RIGHTS AND OBLIGATIONS OF PROVIDER

3.1 Independent Contractor. The parties agree that Provider performs specialized services and that Provider enters into this Agreement with the City as an independent contractor. Nothing in this Agreement shall be construed to constitute Provider or any of Provider's agents or employees as an agent, employee or representative of the City. As an independent contractor, Provider is solely responsible for all labor and expenses in connection with this Agreement and for any and all damages arising out of Provider's performance under this Agreement. Provider is not obligated to accept all requests for services, depending on circumstances with other work being performed for other clients.

3.2 Provider's Control of Work. All services to be provided by Provider shall be performed as

determined by the City in accordance with the Scope of Services set forth in Exhibit "A." Provider shall furnish the qualified personnel, materials, equipment and other items necessary to carry out the terms of this Agreement. Provider shall be responsible for and in full control of the work of all such personnel.

3.3 Reports to the City. Although Provider is responsible for control and supervision of work performed under this Agreement, the services provided shall be acceptable to the City and shall be subject to a general right of inspection and supervision to ensure satisfactory completion. This right of inspection and supervision shall include, but not be limited to, all reports if requested by the City to be provided by Provider to the City and the right of the City, and the right of the City to audit Provider's records.

3.4 Compliance with All Laws. Provider shall comply with all applicable laws, ordinances, rules, regulations and executive orders of the federal, state and local government, which may affect the performance of this Agreement. Any provision required by law, ordinances, rules, regulations, or executive orders to be inserted in this Agreement shall be deemed inserted, whether or not such provisions appear in this Agreement.

4. NOTICE PROVISIONS

Notice. Any notice concerning this Agreement shall be in writing and sent by certified or registered mail as follows:

To the City's Authorized Representative:

**Mike Scheu
Inspection Manager
City of Flagstaff
211 W. Aspen
Flagstaff, Arizona 86001**

To Provider:

**Michael Brown
President
Brown & Associates Certified Inspection
Services, Inc.
13430 N. Scottsdale Rd., Suite 301
Scottsdale, Arizona 85254**

5. INDEMNIFICATION

To the fullest extent permitted by law, Provider shall indemnify, defend, save and hold harmless the City of Flagstaff and its officers, officials, agents, and employees (hereinafter referred to as "Indemnatee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Provider or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such Provider to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by Provider from and against any and all claims. It is agreed that Provider shall be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Provider shall waive all rights of subrogation against

the City, its officers, officials, agents and employees for losses arising from the work performed by Provider for the City.

6. INSURANCE

Provider and subcontractors, if any, shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Agreement are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Provider, its agents, representatives, employees or subcontractors.

The insurance requirements herein are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement. The City in no way warrants that the minimum limits contained herein are sufficient to protect Provider from liabilities that may arise out of the performance of the work under this Agreement by Provider, its agents, representatives, employees or subcontractors and Provider is free to purchase additional insurance as may be determined necessary.

A. Minimum Scope and Limits of Insurance. Provider shall provide coverage at least as broad and with limits of liability not less than those stated below.

1. Automobile Liability - Any Auto or Owned, Hired and Non-Owned Vehicles
(Form CA 0001, ed. 12/93 or any replacement thereof.)
Combined Single Limit Per Accident \$1,000,000
for Bodily Injury and Property Damage
2. Professional Liability \$1,000,000

B. SELF-INSURED RETENTIONS/DEDUCTIBLES: Any self-insured retentions and deductibles must be noted to the City. However, the Proposer shall be solely responsible for any self-insured and/or deductibles associated with the Proposer's insurance coverage.

C. OTHER INSURANCE REQUIREMENTS: The policies are to contain, or be endorsed to contain, the following provisions:

1. Commercial General Liability and Automobile Liability Coverages:
 - a. The City of Flagstaff, its officers, officials, and employees are additional insureds with respect to liability arising out of: activities performed by, or on behalf of, the Provider; including the City's general supervision of the Provider; products and completed operations of the Provider; and automobiles owned, leased, hired or borrowed by the Provider.
 - b. The Provider's insurance shall contain broad form contractual liability coverage.
 - c. The Provider's insurance coverage shall be primary insurance with respect to the City, its officers, officials, and employees. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be

in excess to the coverage of the Provider's insurance and shall not contribute to it.

- d. The Provider's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
 - e. Coverage provided by the Provider shall not be limited to the liability assumed under the indemnification provisions of this contract.
 - f. The policies shall contain a waiver of subrogation (not including auto) against the City, its officers, officials, and employees for losses arising from work performed by the Provider for the City.
2. Workers' Compensation and Employer's Liability Coverage: The insurer shall agree to waive all rights of subrogation against the City, its officers, officials, employees and volunteers for losses arising from work performed by the Provider for the City.

6.1 Notice of Cancellation. Each insurance policy required by the insurance provisions of this Agreement shall provide the required coverage and shall not be suspended, voided or canceled except after thirty (30) days prior written notice has been given to the City, except when cancellation is for non-payment of premium, then at least ten (10) days prior notice shall be given to the City. Such notice shall be sent directly to:

Rick Compau, C.P.M., CPPO, CPPB
Purchasing Director
City of Flagstaff, Purchasing Division
211 W. Aspen Ave.
Flagstaff, Arizona 86001

6.2 Acceptability of Insurers. Insurance shall be placed with insurers duly licensed or authorized to do business in the State of Arizona and with an "A.M. Best" rating of not less than A-VII, or receiving prior approval by the City. The City in no way warrants that the above-required minimum insurer rating is sufficient to protect Provider from potential insurer insolvency.

6.3 Verification of Coverage. Prior to commencing work or services, Provider shall furnish the City with certificates of insurance (ACORD form or equivalent approved by the City) as required by this Agreement. The certificates for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and any required endorsements shall be received and approved by the City before work commences. Each insurance policy required by this Agreement shall be in effect at or prior to commencement of work under this Agreement and remain in effect for the duration of this Agreement. Failure to maintain the insurance policies as required by this Agreement or to provide evidence of renewal shall constitute a material breach of contract.

All certificates required by this Agreement shall be sent directly to **Rick Compau, C.P.M., CPPO, CPPB, Purchasing Director, City of Flagstaff, Purchasing Division, 211 W. Aspen Ave., Flagstaff, AZ. 86001**. The City project/contract number and project description shall be noted on the certificate of insurance. The City reserves the right to request and receive within ten (10) days, complete, certified copies of all insurance policies required by this Agreement at any time. The City shall not be obligated, however, to review same or to advise Provider of any deficiencies in such policies and endorsements, and such receipt shall not relieve Provider from, or be deemed a waiver of the City's right to insist on, strict fulfillment of Provider's obligations under this Agreement.

6.4 Subcontractors. Providers' certificate(s) shall include all subcontractors as additional insureds under its policies **or** Provider shall furnish to the City separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to the minimum requirements identified above.

6.5 Approval. Any modification or variation from the insurance requirements in this Agreement shall be made by the City Attorney's office, whose decision shall be final. Such action shall not require a formal amendment to this Agreement, but may be made by administrative action.

7. DEFAULT AND TERMINATION

7.1 Events of Default Defined. The following shall be Events of Default under this Agreement:

7.1.1 Any material misrepresentation made by Provider to the City;

7.1.2 Any failure by Provider to perform its obligations under this Agreement including, but not limited to, the following:

7.1.2.1 Failure to commence work at the time(s) specified in this Agreement due to a reason or circumstance within Provider's reasonable control;

7.1.2.2 Failure to perform the work with sufficient personnel and equipment or with sufficient equipment to ensure completion of the work within the specified time;

7.1.2.3 Failure to perform the work in a manner reasonably satisfactory to the City;

7.1.2.4 Failure to promptly correct or re-perform within a reasonable time work that was rejected by the City as unsatisfactory or erroneous;

7.1.2.5 Discontinuance of the work for reasons not beyond Provider's reasonable control;

7.1.2.6 Failure to comply with a material term of this Agreement, including, but not limited to, the provision of insurance; and

7.1.2.7 Any other acts specifically stated in this Agreement as constituting a default or a breach of this Agreement.

7.2 Remedies.

7.2.1 Upon the occurrence of any Event of Default, the City may declare Provider in default under this Agreement. The City shall provide written notification of the Event of Default and any intention of the City to terminate this Agreement. Upon the giving of notice, the City may invoke any or all of the following remedies:

7.2.1.1 The right to cancel this Agreement as to any or all of the services yet to be performed;

7.2.1.2 The right of specific performance, an injunction or any other appropriate equitable remedy;

7.2.1.3 The right to monetary damages;

7.2.1.4 The right to withhold all or any part of Provider's compensation under this Agreement;

7.2.1.5 The right to deem Provider non-responsive in future contracts to be awarded by the City; and

7.2.1.6 The right to seek recoupment of public funds spent for impermissible purposes.

7.2.2 The City may elect not to declare an Event of Default or default under this Agreement or to terminate this Agreement upon the occurrence of an Event of Default. The parties acknowledge that this provision is solely for the benefit of the City, and that if the City allows Provider to continue to provide the Services despite the occurrence of one or more Events of Default, Provider shall in no way be relieved of any of its responsibilities or obligations under this Agreement, nor shall the City be deemed to waive or relinquish any of its rights under this Agreement.

7.2.3 Any excess costs incurred by the City in the event of termination of this Agreement for default, or in the event the City exercises any of the remedies available to it under this Agreement, may be offset by use of any payment due for services completed before termination of this Agreement for default or the exercise of any remedies. If the offset amount is insufficient to cover excess costs, Provider shall be liable for and shall remit promptly to the City the balance upon written demand from the City.

8. GENERAL PROVISIONS

8.1 Headings. The article and section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this Agreement.

8.2 Jurisdiction and Venue. This Agreement shall be administered and interpreted under the laws of the State of Arizona. Provider hereby submits itself to the original jurisdiction of those courts located within Coconino County, Arizona.

8.3 Attorney's Fees. If suit or action is initiated in connection with any controversy arising out of this Agreement, the prevailing party shall be entitled to recover in addition to costs such sum as the

court may adjudge reasonable as attorney fees, or in event of appeal as allowed by the appellate court.

8.4 Severability. If any part of this Agreement is determined by a court to be in conflict with any statute or constitution or to be unlawful for any reason, the parties intend that the remaining provisions of this Agreement shall remain in full force and effect unless the stricken provision leaves the remaining Agreement unenforceable.

8.5 Assignment. This Agreement is binding on the heirs, successors and assigns of the parties hereto. This Agreement may not be assigned by either the City or Provider without prior written consent of the other.

8.6 Conflict of Interest. Provider covenants that Provider presently has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Provider further covenants that in the performance of this Agreement, Provider shall not engage any employee or apprentice having any such interest. The parties agree that this Agreement may be cancelled for conflict of interest in accordance with Arizona Revised Statutes § 38-511.

8.7 Authority to Contract. Each party represents and warrants that it has full power and authority to enter into this Agreement and perform its obligations hereunder, and that it has taken all actions necessary to authorize entering into this Agreement.

8.8 Integration. This Agreement represents the entire understanding of City and Provider as to those matters contained in this Agreement, and no prior oral or written understanding shall be of any force or effect with respect to those matters. This Agreement may not be modified or altered except in writing signed by duly authorized representatives of the parties.

8.9 Non-appropriation. In the event that no funds or insufficient funds are appropriated and budgeted in any fiscal period of the City for payments to be made under this Agreement, the City shall notify Provider of such occurrence, and this Agreement shall terminate on the earlier of the last day of the fiscal period for which sufficient appropriation was made or whenever the funds appropriated for payment under this Agreement are exhausted. No payments shall be made or due to Provider under this Agreement beyond these amounts appropriated and budgeted by the City to fund payments under this Agreement.

8.10 Mediation. If a dispute arises out of or relates to this Agreement, and if the dispute cannot be settled through negotiation, the parties agree first to try in good faith to resolve the dispute by mediation before resorting to litigation or some other dispute resolution procedure. Mediation shall take place in Flagstaff, Arizona, shall be self-administered, and shall be conducted under the CPR Mediation Procedures established by the CPR Institute for Dispute Resolution, 366 Madison Avenue, New York, NY 10017, (212) 949-6490, www.cpradr.org, with the exception of the mediator selection provisions, unless other procedures are agreed upon by the parties. Unless the parties agree otherwise, the mediator(s) shall be selected from panels of mediators trained under the Alternative Dispute Resolution Program of the Coconino County Superior Court. Each party agrees to bear its own costs in mediation. The parties shall not be obligated to mediate if an indispensable party is unwilling to join the mediation. This mediation provision shall not constitute a waiver of the parties' right to initiate legal action if a dispute is not resolved through good faith negotiation or mediation, or if a party seeks provisional relief under the Arizona Rules of Civil Procedure.

8.11 Compliance with Federal Immigration Laws and Regulations. Provider hereby warrants to the City that the Provider and each of its subcontractors ("Subcontractors") will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to its employees and A.R.S. §23-214(A) (hereinafter "Provider Immigration Warranty").

A breach of the Provider Immigration Warranty shall constitute a material breach of this Agreement and shall subject the Provider to penalties up to and including termination of this Agreement at the sole discretion of the City.

The City retains the legal right to inspect the papers of any Provider or Subcontractor employee who works on this Agreement to ensure that the Provider or Subcontractor is complying with the Provider Immigration Warranty. Provider agrees to assist the City in regard to any such inspections.

The City may, at its sole discretion, conduct random verification of the employment records of the Provider and any of subcontractors to ensure compliance with Provider's Immigration Warranty. Provider agrees to assist the City in regard to any random verification performed.

The provisions of this Article must be included in any contract the Provider enters into with any and all of its subcontractors who provide services under this Agreement or any subcontract. "Services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

8.12 Subcontractors. This Agreement or any portion thereof shall not be sub-contracted without the prior written approval of the City. No Subcontractor shall, under any circumstances, relieve Provider of its liability and obligation under this Agreement. The City shall deal through Provider and any Subcontractor shall be dealt with as a worker and representative of Provider. Provider assumes responsibility to the City for the proper performance of the work of Subcontractors and any acts and omissions in connection with such performance. Nothing in the Contract Documents is intended or deemed to create any legal or contractual relationship between the City and any Subcontractor or Sub-Subcontractor, including but not limited to any third-party beneficiary rights.

8.13 Waiver. No failure to enforce any condition or covenant of this Agreement by the City shall imply or constitute a waiver of the right of the City to insist upon performance of the condition or covenant, or of any other provision of this Agreement, nor shall any waiver by the City of any breach of any one or more conditions or covenants of this Agreement constitute a waiver of any succeeding or other breach under this Agreement.

8.14 Business Operations in Sudan/Iran. In accordance with A.R.S. § 35-397, the Provider certifies that the Provider and its affiliates and subsidiaries do not have scrutinized business operations in Sudan or Iran. If the City determines that the Provider's certification is false, the City may impose all legal and equitable remedies available to it, including but not limited to termination of this Agreement.

9. DURATION

This Agreement shall become effective on and from the day and year executed by the parties, indicated below, and shall continue in force for an initial term of three (3) years, beginning February 20, 2013 through February 19, 2016, unless sooner terminated as provided above. Upon mutual agreement between the City and Provider, this Agreement may be renewed for a maximum of two

(2) additional one (1) year terms, upon mutual agreement from both parties. The Purchasing Director of the City has authority to bind the City only for the purpose of renewing the term of this Agreement as described in this section.

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City of Flagstaff

Provider

Kevin Burke, City Manager

Attest:

City Clerk

Approved as to form:

City Attorney

Date of Execution:_____

EXHIBIT A SCOPE OF WORK

On call plan review services on an as needed basis

Plan review service to comply with the following:

1. A high quality review of residential & commercial plans;
2. Comply with City of Flagstaff adopted codes and amendments;
3. Review time for Single Family Residential is 5-10 working days; and
4. Review time for non-residential is 7-14 days.

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Rick Tadder, Finance Director
Date: 02/27/2013
Meeting Date: 03/05/2013



TITLE:

Consideration of Audited Financial Reports: Year ending June 30, 2012.

RECOMMENDED ACTION:

Approve the June 30, 2012, Comprehensive Annual Financial Report and the Single Audit Report as recommended by the City of Flagstaff Audit Committee.

Policy Decision or Reason for Action:

1. The City is required by City Charter (Article VI, Section 5) to have an annual audit performed for each fiscal year.
2. The City is also required to complete the Single Audit Report as the City receives more than \$300,000 in federal financial assistance.

Financial Impact:

There is no financial impact to approving the City's Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR) or the Single Audit.

Connection to Council Goal:

Effective governance

Previous Council Decision on This:

No

Options and Alternatives:

- Approve the City's Fiscal Year 2012 CAFR and Single Audit Report.
- Do not approve the City's Fiscal Year 2012 CAFR and Single Audit report with direction to the Audit Committee or independent auditor of Council's questions/issues.

Background/History:

The Audit Committee is represented by:

- Celia Barotz, Council Member
- David Cosper, CPA
- Sharman Cawood, CPA
- Christopher Lambert, CPA
- Kevin Burke, City Manager
- Barbara Goodrich, Management Services Director

The CAFR was reviewed by the Audit Committee through a presentation by the audit firm Eide Bailly, LLC, the firm that performed the annual City audit. The presentation of the financial reports to the Audit Committee occurred on January 27, 2013 and was facilitated by Lealan Miller, Partner with Eide Bailly, Pam Eggert, Auditor with Eide Bailly, and Sarah Jones, Auditor with Eide Bailly.

Key Considerations:

The City presents its' financial statements in accordance with all standards as defined by the Government Accounting Standards Board (GASB). The City is required by City Charter to have an audit performed for each fiscal year. The City is also required to complete the Single Audit Report as the City receives more than \$300,000 in federal financial assistance.

The City has received an unqualified opinion from the audit firm, meaning they believe the financial statements are fairly presented in accordance with generally accepted accounting principles. In the Communication to Council, the audit firm states: there were no difficulties encountered in performing the audit and; there were no disagreements with management.

There were three items identified as corrected misstatements. The first was related to how a transaction was posted for the change in estimate related to the updated landfill closure and post closure cost calculation. The City initially posted the transaction as a prior period adjustment when it should have been posted as an offset to current expenditures. The second was related to capitalization of donated land in error as the item was recorded in a previous year and was removed. The third was related to an error in posting Solid Waste revenues which was a result of a system integration error. The correct amounts were billing to customer, however the revenues were posting to a payable account. We are in the process of correcting the integration. There were two items identified as uncorrected misstatements. Due to the amount of the transactions, staff held off making adjustments and will research the issues this year. As noted in the letter to Council these items are considered immaterial and do not affect the financial statements as a whole.

There was one finding noted as a significant deficiency and reported in our Single Audit. The City did not have adequate processes in place for recognizing donated property for such reasons as right-of-way, easements, open space or other purposes. Staff is developing procedures to address this concern and will implement this fiscal year.

The Audit Committee unanimously approved the acceptance of the CAFR and Single Audit.

Expanded Financial Considerations:

An annual audit is statutorily required by ARS 9-481. In addition, should the City not perform an annual audit of its financial statements and complete a Single Audit, the City could lose valuable grant funding. The amount of reimbursements of Federal Award reported for in Fiscal Year 2012 was \$14.8 million. State and local grant funding was \$1.3 million in Fiscal Year 2012.

Community Benefits and Considerations:

Independent review of the City's financial statements elevates the level of confidence that the City is reporting fairly, accurately, and within prescribed guidelines.

Community Involvement:

Involve: The community is directly involved through the participation on the Audit Committee.

Inform: Any community member may review the most recent CAFR and Single Audit Report. A copy of the current and historical copies CAFR and Single Audit and SEFA is available in the following locations:

- On the City web site, www.flagstaff.az.gov under the Finance and Budget section (<http://www.flagstaff.az.gov/index.aspx?nid=164>)
- At the Flagstaff Public Library, 300 W Aspen Ave, Flagstaff, Arizona
- At the East Flagstaff Community Library, 3000 N 4th Street, Suite 5, Flagstaff, Arizona
- Contact the Finance Director at (928) 213-2215

Due to file size of these document, one copy of the CAFR and Single Audit is available in the Council office.

Council Action:

2/19/2013 - EAB - postponed to March 5, 2013, meeting.

Attachments:

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 03/01/2013
Meeting Date: 03/05/2013



TITLE

Presentation and Consideration of Possible Amendment to City's Legislative Agenda: Al White re Federal Legislative Issues regarding Flagstaff Housing Authority (FHA).

RECOMMENDED ACTION:

Council Information and possible amendment to Legislative Agenda.

INFORMATION

Al White, Chairman of the Flagstaff Housing Authority (FHA), has been asked to give a presentation on Federal legislative issues related to the FHA.

Attachments: FHA Legislative Agenda
COF Legislative Agenda

City of Flagstaff Housing Authority 2013 Legislative Agenda

The City of Flagstaff Housing Authority (CFHA) owns 265 units of Low Income Public Housing, administers 333 Section 8 Housing Choice Vouchers, 25 VASH Vouchers, 12 McKinney-Vento Vouchers for the seriously mentally ill, and manages 80 units of affordable housing, for a total of 715 low income families served in Flagstaff, Arizona. The median income of our residents is \$11,049. Unfortunately, we have approximately 2,000 families on our waiting list; this represents a wait of three to five years. This wait is untenable for the vulnerable population that we serve. We need full funding of the programs we administer as well as additional funding to develop new affordable housing.

LEGISLATIVE PRIORITIES

Strengthen & Simplify the Section 8 Rental Assistance Program

- **Fully fund Housing Assistance Payment contract renewals.** Adequate funding should be paired with a funding mechanism to move existing vouchers from areas of under-utilization to areas of high use. For example, a Housing Authority that under-uses its Voucher units should not be allowed to keep the chronically unused vouchers; these should be moved to an agency with a consistent use of over 98%.
- **Restore responsible funding levels for PHAs' ongoing administrative fees.** In FFY 2012, the funding level was at 80% pro ration, the lowest pro-ration in the 37-year history of the program.
- **Provide funding for new Section 8 Housing Choice Vouchers, to be distributed on a fair share basis.** In the past decade, most new Vouchers are limited to special needs areas, leaving the working poor underserved. We need to address this backlog of need through the funding of new general purpose vouchers.
- **Permanently enact sensible legislative reforms** for the Section 8 tenant-based program for more efficient use of program funds. The Affordable Housing and Self Sufficiency Act of 2012 (AHSSIA) is the current version of reform legislation focusing on the Section 8 tenant-based and project-based programs and public housing. Please support this Act.
- Address and improve the administrative and financial burdens of the portability program.

Fully Fund & Simplify the Public Housing Program

- **Fully fund the operating costs and annual capital accrual needs of public housing.**
- **Unlock the value of public housing assets** by providing PHAs with a variety of tools to leverage and invest in the preservation of their properties.
- **Increase PHAs' flexibility** to use available resources for their highest priority needs, regardless of funding source.
- **Establish protected capital reserve accounts** to allow PHAs to responsibly plan for future needs.
- **Enhance incentives for energy efficiency upgrades**, and make these fully accessible to small agencies like FHA.

- **Provide Tools and Funding for New Development of Affordable Housing Stock**
- **Fund Section 202 Housing for the Elderly.** *This program has not been funded in two of the last four years, with no additional funding planned. Demographically, our population is aging and there is a huge need for additional affordable housing for elderly. Funding of this program is vital to meet this need. CFHA is poised to develop Section 202 Housing, and asks that this program be funded.*
- **Fund the Section 811, New Development Program.** *This program has not been funded in three of the last four years. This program serves disabled persons, a highly vulnerable population.*
- **Capitalize the Housing Trust Fund.** *This program was enacted in 2008, but remains unfunded, despite its innovative nature, which is designed to support the production, preservation and rehabilitation of affordable housing. CFHA could use HTF funding to expand the affordable housing stock in Flagstaff.*
- **Restore adequate funding for the HOME Investment Partnership program.** *This proven and effective program empowers States and localities to design and implement affordable housing strategies to meet locally determined critical needs.*
- **Preserve and strengthen the Low Income Housing Tax Credit Program.**
- **Eliminate Barriers to PHA Eligibility.** *A number of federal housing programs limit eligibility to “private nonprofit organizations.” The various statutory and regulatory definitions of “private nonprofit organization” currently in effect under these programs have collectively served as a barrier to the participation of PHAs and redevelopment authorities, since these agencies typically do not enjoy nonprofit status under the Internal Revenue Code. For example, PHAs are prohibited from acting as sub grantees under the Emergency Solutions Grant program, even though many local government grantees want PHAs to fill that role. And PHAs and redevelopment authorities are barred from collecting developer fees under the CDBG program, even though they often engage in the same development work as for-profit and private nonprofit developers of affordable housing.*

Find Savings within HUD’s Budget

- **Consolidate HUD activities and focus on core services.** *Obviously, HUD is a huge administration; we believe there are opportunities to consolidate HUD’s activities and focus on its core affordable housing mission. For example, funding to HUD’s Policy Development and Research Department could be reduced. The number and nature of studies completed by HUD, either internally or under contract to outside consultants is excessive and expensive. This money could be better used serving our constituents. Rather than developing new programs- let’s focus on those we have. Another area of potential savings is in grant activities that are unrelated to HUD’s core mission; for example, the Doctoral Thesis Program, and the Natural Experiments Grant Program. There may also be savings in areas such as Fair Housing Enforcement.*

- ***Eliminate expenditures related to Executive Order 13166.*** *This is a Clinton era Executive Order stating that failure to provide materials and translation to persons of limited English proficiency is a form of discrimination based on National Origin. The Executive Order was based on a Supreme Court Ruling that has been overturned. Implementation of this Executive Order has had enormous costs. HUD is currently providing forms in over 20 languages. Congress should specifically exclude funding for activities under this Executive from HUD funding.*
- ***We support an in-depth study of the HUD infrastructure to streamline the HUD bureaucracy.***



City of Flagstaff Intergovernmental Affairs Program

2013 LEGISLATIVE AGENDA PRIORITIES

The City of Flagstaff Intergovernmental Affairs program addresses legislative initiatives at the county, state, and federal levels. The program mission is to develop and advocate for the Flagstaff community by fostering and maintaining relationships with individuals and entities that affect the City's interests. As a member of the League of Arizona Cities and Towns, the City of Flagstaff has signed onto the League resolutions in support of common legislative efforts of Arizona cities and authorizes staff or City representatives to take positions generally consistent with our legislative priorities.

The following objectives strengthen local government, promote City goals and defend the City against legislative actions by the County, State or Federal governments that would weaken our authority or take away traditional revenue sources and is presented as the 2013 Legislative Agenda for the City of Flagstaff.

Guiding Principles

- Local Control: Protect local revenues and local authority, which reflect core principles for local government. Flagstaff believes local government best represents local communities in the areas of regulatory, finance, and administrative decision-making. This representation requires opposing any unfunded mandates at the Federal and State levels
- Regional Communication: the County has a direct impact upon the quality of life in Flagstaff and it is essential that the City maintain positive relations and direct communications with our County partner to promote mutual legislative actions.
- Council Goals: Advancing or defending City Council adopted goals in effect during the 2013 legislative session does not require additional Council action.

State

- Protect state shared revenue to municipalities as a revenue percentage and a revenue source.
- Obtain ADOT permission to place a water pipeline in the I-40 right-of-way from Red Gap Ranch to Flagstaff (including USFS land)
- Obtain legislative authorities to hold serial inebriates in a detox facility for up to five (5) days to provide initial counseling and treatment opportunities.
- Work to protect forest health by seeking state partnership funding at a level of \$870,000, leveraging local and federal funding resources to treat forest and range lands (thinning, debris, disposal, prescribed fire) to reduce wildfire threat, enhance watersheds, improve ecological health and protect communities (see end of memo for details).

- Retain and enhance economic development tools that enable cities to compete on a national and international level for business retention and attraction that further the economic viability of Flagstaff and greater Northern Arizona.
- Support the Arizona Water Supply Revolving Fund, and the Legislators' Water Resources Development Commission. These entities legally and financially could support the acquisition of rural water supplies and the development of water infrastructure.
- Support Energy Districts through flexible financing district authority that can provide finance mechanisms for residents and commercial entities for upfront investment capital in energy efficiency and renewable energy improvements to their properties.
- Amend Arizona Revised Statutes to clarify the definition of electric bikes in terms of watts versus pistons so they aren't excluded for use on trails.
- Seek self administration of Transportation Enhancement and Safe to School grants, as well as Highway Safety Improvements Program funds, which is necessary due to Federal law eliminating local delivery of grants (self administration) so that now any grants received must be delivered by ADOT staff anywhere where the grant applies within the City.
- Support any state multimedia incentive bills introduced in an effort to increase the attraction possibilities of filming and the motion picture industry using Flagstaff and the greater Northern Arizona region to film motion pictures
- Support a Property Reclassification (High Wage Jobs for Rural Arizona) bill that provides certain tax benefits to companies in export or base industries in rural Arizona that make significant investments in these regions and provide high-paying jobs with adequate healthcare coverage which asks local jurisdictions to provide a consenting resolution agreeing to the property tax reclassification.
- Propose technical amendments to State Statute 32-144, allowing a non-registrant to design non-bearing walls in tenant improvement projects and decks or roof additions for townhomes without the seal of an engineer, for significant cost savings to the applicant, to include removing the word "attached."
- Seek assistance from ADOT and the state on getting an economic impact study of the proposed I-11 Corridor on northern Arizona cities east of the proposed route.
- Support efforts for the establishment of a VA Home in Bellemont and the financial support needed from the State as matching funds to the federal allocation for the home.

Federal

- Water Settlement –Secure easement rights for required water transmission lines located within Interstate 40 right-of-way.
- Rio de Flag Flood Control – Complete the Limited Re-evaluation Report and obtain approval by the Assistant Secretary of the Army. Secure additional funding while increasing the Water Resource Development Act (WRDA) authority to \$92 million. Pursue City of Flagstaff self-administration through the Army Corp of Engineers (ACOE)

- Forest Health – Leverage voter approved bond dollars for forest restoration with federal dollars to maximize acreage to be treated and minimize municipal costs.
- Transportation - Secure authorization and fiscal resources for the Lone Tree Interchange and the 4th Street Bridge.
- I-11 Corridor Study – Study, track and participate in options being considered in the I-11 Corridor Study between Nevada and Arizona, investigating possible impacts to the Northern Arizona region.

Further Collaboration

Support regional, state and federal partnerships that may advance applicable legislation in support of the City of Flagstaff.

Regional	State	National
Coconino County	Northern Arizona University	National League of Cities and Towns
Northern Arizona Municipal Water Users Association (NAMWUA)	Coconino Community College	Conference of Mayors
Northern Arizona Council of Governments (NACOG)	League of Arizona Cities and Towns	US Forest Service
Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA)	State Forestry – State Forest Health Council	US Parks Service
Chamber of Commerce	Tribal Nations	Additional Federal Agencies
Flagstaff Unified School District	Greater Arizona Mayors' Association (GAMA)	Firewise
Coconino Plateau Water Advisory Council	AZ Game and Fish	
Greater Flagstaff Forest Partnership	Arizona State Land Department	
Four Forest Restoration Initiative	State Forest Health Council	
	AZ Fire Chiefs' Association	

Identified Forest Health / State Forest Wildfire Readiness State Partnership Needs

<u>PROGRAM</u>	<u>FUNCTIONAL AREA</u>	<u>ANNUAL COSTS</u>	<u>RATIONALE</u>
<i>Preparedness</i>	<i>Wildland Fire Qualifications System</i>	\$100,000	<u>Management & Administration:</u> Every Fire Department in the State is dependent upon ASF to maintain the Wildland Fire Incident Qualification System (IQS), to review and approve

			updates for every individual listed in a timely manner, and issue, on a recurring basis, current Fire Qualification Cards for those in the system.
	<i>Wildland Fire/Incident Management Training</i>	\$ 55,000	<u>Support:</u> Fire Departments, the State's response force, are challenged by funding shortages to provide necessary training. Funding will be used to support Dept training needs to support local and inter-agency response efforts. <i>Challenge approach with local fire districts and communities?</i>
<i>Prevention</i>	<i>Firewise</i>	\$ 80,000	<u>Outreach, Training and Certification:</u> Every dollar spent on this program saves upwards of \$10 on suppression. Fire Adapted neighborhoods and communities can successfully withstand wildfire, thus reducing public risk, damage, and both suppression and recovery costs.
	<i>State Forest Health Council</i>	\$ 20,000	<u>Administrative and Operational Support:</u> A coordinated, multi-agency, State-led effort provides a platform for discussion, resolution, and joint action to address the issues faced in AZ. Cost to include targeted projects or efforts that support the Council's goals.
<i>Hazard Mitigation</i>	<i>State Lands</i>	\$450,000	<u>Treatments:</u> State-owned range and forest lands require attention to reduce fire threat, protect watersheds, and ensure safe communities. Providing funds to accomplish this work puts the State in a leadership role, demonstrates a commitment to the environment, builds credibility with partners, and allows federally-provided funds to be leveraged to achieve greater impact. <i>Challenge approach with local fire districts, neighborhoods, communities?</i>
<i>Response</i>	<i>AZ Type II Incident Management Team (IMT)</i>	\$ 15,000	<u>Support:</u> The State sponsors an IMT. Funds will be to encourage and support annual meetings, training, equipment, and supply needs.

	<i>Dispatch Center</i>	\$150,000	<u>Support:</u> Staff and admin support to fully manage all aspects (Resource status, tracking, assignments, agreements, communication, etc) of the State's Interagency Incident Management Dispatch Center in Phoenix, responsible to provide dispatch services to all Fire Departments engaged in wildland fire throughout the State and beyond.
TOTAL ANNUAL COST		\$870,000	

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Josh Copley, Deputy City Manager
Date: 02/27/2013
Meeting Date: 03/05/2013



TITLE:

Consideration of Ordinance No. 2013-08: An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 14, Human Relations, by adding Chapter 2, Civil Rights.

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2013-08 by title only for the final time.
- 2) City Clerk reads Ordinance No. 2013-08 by title only for the final time (if approved above).
- 3) Adopt Ordinance No. 2013-08.

Policy Decision or Reason for Action:

Enactment of Ordinance No. 2013-08 establishes a Civil Rights Ordinance, which will provide protections to people based upon their sexual orientation, gender identity or expression, or Veterans Status in both employment and public accomodation.

Financial Impact:

The expenses associated with administration of a Civil Rights Ordinance are not currently budgeted. In consideration of experiences reported by municipalities who have enacted similar Civil Rights Ordinances, staff anticipates minimal financial impact on the City's General Fund. If Council approves the Civil Rights Ordinance, staff will make the necessary arrangements to facilitate its administration, including a Request for Proposals (RFP) for the services of an outside Mediator and Investigator. Staff believes that, other than the expenses of an outside Mediator and Investigator, the administrative functions of complaint receipt and processing can be performed in-house with existing resources.

Connection to Council Goal:

Effective governance

Has There Been Previous Council Decision on This:

During their regular meeting on February 19, 2013, Council reviewed the proposed Civil Rights Ordinance and voted to approve a first reading with the following amendments:

- 1.) The civil fines imposed by the City Court for any violations of the ordinance would be as follows:
 - a. First Offense: Maximum fine of \$500
 - b. Second Offense: Minimum fine of \$300 but not more than \$1,000
 - c. Third or subsequent Offense: Minimum fine of \$900 but not more than \$2,500

2.) The Investigator will be selected by the City Manager, following established rules and procedures.

Options and Alternatives:

- 1.) Consider and discuss the proposed Civil Rights Ordinance and provide any additional direction to staff.
- 2.) Approve final reading and adopt the Civil Rights Ordinance.
- 3.) Do not approve final reading and adoption of Civil Rights Ordinance.

Community Involvement:

During the month of January 2013, city staff has facilitated five public outreach sessions with various groups and individuals within the community. This is in addition to the public participation that has occurred during several council meetings and work sessions when the City Council has considered the Civil Rights Ordinance. Additionally, the City Council has hosted Mayor Ralph Becker at its meeting on September 25, 2012, to share his perspectives and experiences on Salt Lake City's Civil Rights Ordinance. The subject of a Civil Rights Ordinance for Flagstaff has garnered significant interest and input from our community which has generally been supportive of the Ordinance.

Attachments: Civil Rights Ordinance
 Ord.Edited Version

ORDINANCE NO. 2013-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING FLAGSTAFF CITY CODE TITLE 14, HUMAN RELATIONS, BY ADDING CHAPTER 2, CIVIL RIGHTS

RECITALS:

WHEREAS, its residents are the City of Flagstaff's most important asset; and

WHEREAS, the City of Flagstaff is committed to nondiscrimination and fair treatment of its residents, visitors, and employees; and

WHEREAS, the City Council ("Council") supports and values diversity and inclusiveness; and

WHEREAS, the City of Flagstaff ("City") is comprised of diverse and varied groups, communities, and individuals, and the practice of discrimination against these groups, communities, or individuals on the grounds of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, and gender identity or expression, in places of public accommodation and in employment, adversely affects the general welfare of the City and the vitality of its neighborhoods; and

WHEREAS, discriminatory practices are detrimental because they impede the social and economic progress of the City by preventing all people from contributing to or fully participating in the cultural, spiritual, social, and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses; and

WHEREAS, in developing this chapter, the Flagstaff City Council has investigated other urban centers throughout the nation and studied the effectiveness of ordinances enacted to prevent discriminatory practices; and

WHEREAS, every individual in the City has the right to work and earn wages through gainful employment; and

WHEREAS, the City has found that discrimination in employment and places of public accommodation on the basis of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation and gender identity or expression must be addressed, and the denial or deprivation of employment rights based on these factors is detrimental to the health, safety, and welfare of the City's citizens and damages the City's economic well being; and

WHEREAS, the purpose of this chapter is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in employment and in places of public accommodation, and this chapter shall be liberally construed to achieve that purpose.

ENACTMENTS:

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF
AS FOLLOWS:**

SECTION 1: That Flagstaff City Code Title 14, Human Relations, is hereby amended as follows:

Sections:

14-02-001-0001	Policy Declaration
14-02-001-0002	Definitions
14-02-001-0003	Prohibited Acts
14-02-001-0004	Exclusion
14-02-001-0005	Violation a Civil Infraction; Procedure; Penalties
14-02-001-0006	Complaint Procedures
14-02-001-0007	No Private Right of Action; Effect of Federal and State Laws
14-02-001-0008	Severability
14-02-001-0009	Unlawful Intimidation, Retaliation, and Coercion
14-02-001-0010	Record-keeping; Posting Requirement; Powers

Section 14-02-001-0001 Policy Declaration.

It is the policy of the City of Flagstaff to eliminate prejudice and discrimination due to race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, and gender identity or expression, in places of public accommodation and in employment.

Section 14-02-001-0002 Definitions.

In this chapter, unless the context otherwise requires:

- A. *Age* means at least eighteen years of age except:
1. Where state law provides for a greater minimum or maximum legal age.
 2. In section 14-02-001-003(B), which shall be deemed to protect any person who is at least forty (40) years of age.
- B. *Discriminate or discrimination* means to make, directly or indirectly, any distinction with respect to any person or persons based on race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression.
- C. *Disability*, with respect to an individual, means:
1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
 2. A record of such an impairment; or
 3. Being regarded as having such an impairment; but disability does not include the current illegal use of or addiction to a controlled substance (as defined in the Controlled Substances Act, 21 U.S.C. § 801 et seq.) or the current use of alcohol that prevents such individual from performing the duties of the job in question or

whose employment, by reason of such current alcohol abuse, would constitute a direct threat to the property or the safety of others.

Discrimination on the basis of disability shall be interpreted in a manner consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., the federal regulations promulgated thereunder, and judicial decisions construing them.

- D. *Educational institution* means any private educational institution located or operating in the City of Flagstaff which provides educational services including an academy, college, university, elementary or secondary school, kindergarten, extension course, nursery school system, and a business, nursing, professional, secretarial, technical or vocational school.
- E. *Employer*, except as otherwise provided, means any person employing fifteen (15) or more employees in the City of Flagstaff for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and includes any agent of such person.
- F. *Employment agency* means and includes both public and private employment agencies and any person having an office regularly undertaking, with or without compensation, to procure, recruit, refer or place employees.
- G. *Gender expression* means the ways in which a person manifests masculinity or femininity or “expresses” external characteristics and behaviors associated with gender.
- H. *Gender identity* means an individual's various attributes as they are understood to be masculine and/or feminine and shall be broadly interpreted to include pre- and post-operative transsexuals, as well as other persons who are, or are perceived to be, transgender.
- I. *Investigator* means an individual selected by the City Manager whose role shall be to determine the facts relevant to a charge filed pursuant to this chapter. The Investigator shall be selected by the City Manager, following established rules and procedures.
- J. *Labor organization* means and includes any organization or labor union, craft union, or such organization, conducting a hiring hall which engages in the hiring of employees, or any voluntary unincorporated association designed to further the cause of the rights of union labor, which is constituted for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or apprenticeships or applications for apprenticeships, or for other mutual aid or protection in connection with employment, including apprentice jobs or application for apprenticeship.
- K. *Mediator* means an individual selected by the City Manager whose role shall be to attempt to assist the Complainant and Respondent in reaching settlement of a charge filed under this chapter. The Mediator shall be selected by the City Manager, following established rules and procedures. The Mediator shall not be an employee of the City of Flagstaff. The Mediator may not be required to serve as a witness in any legal proceeding concerning matters related to the Mediator's involvement in carrying out his or her functions pursuant to this chapter.

- L. *Person* means and includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, receivers, or other organized groups of persons.
- M. *Place of public accommodation* means facilities, establishments, accommodations, services, commodities or use offered to or enjoyed by the general public, including but not limited to:
1. Hotels, motels, trailer courts and boardinghouses, which shall include any establishments offering lodging to transient guests for compensation.
 2. Restaurants, which shall include lunch counters, coffee shops, lunchrooms, luncheonettes, cafes, cafeterias, tearooms, snack bars or stands, mobile food service facilities, grills, sandwich shops, supper clubs, soft drink fountains, ice cream parlors or stands, and other places which offer food, ice cream or soft drink beverages for purchase and consumption on or off the premises.
 3. Taverns, which shall include bars, barrooms, saloons, roadhouses and like establishments, wherein spirituous or malt liquors or wines are offered for sale for consumption on or off the premises.
 4. Theaters, which shall include places, whether indoors or out-of-doors, at which any theatrical performance, moving picture show, musical concert or recital, dramatic reading or monologue, circus, carnival or other like entertainment or amusement is offered.
 5. Retail establishments, which shall include retail stores, garages, automobile and gasoline service stations, and other like establishments serving the public.
 6. Places of public amusement and recreation, which shall include bowling alleys, billiard halls and poolrooms, dance halls, race courses, shooting galleries, sports arenas or fields, gymnasiums, exhibitions, skating rinks and other like establishments.
 7. Educational facilities, which shall include institutions defined in paragraph (E) of this section.
 8. Public conveyances, which shall include all transportation facilities operated on land, air or water as well as the stations and terminals thereof.
 9. Funeral parlors and places of burial, including any cemetery, mausoleum, crypt, or any establishment for the embalming, processing or interment of corpses.
- N. *Protected class* means each classification for which discrimination is prohibited in this chapter: race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, and gender identity or expression.
- O. *Religion* includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he/she is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

- P. *Religious organization* means a religious corporation, association or society; or a school, college, university, or other educational institution or institution of learning if the institution is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association or society; or the curriculum of the institution is directed toward the propagation of a religion.
- Q. Sex shall include, but is not limited to, discrimination because of or on the basis of pregnancy, childbirth or related medical conditions; and women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.
- R. *Sexual orientation* means an individual's heterosexuality, homosexuality, or bisexuality, whether the orientation is real or perceived.
- S. *Veteran's Status* means an individual who served in the armed forces of the United States, including the Army, Navy, Air Force, Marine Corps, and Coast Guard, and who was separated from the armed forces under honorable conditions.

Section 14-02-001-0003 Prohibited Acts.

It is a violation of this article:

- A. For any owner, operator, lessee, manager, agent or employee of any place of public accommodation to discriminate against any person, or directly or indirectly display, circulate, publicize or mail any advertisement, notice or communication which states or implies that any facility or service shall be refused or restricted because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression, or that any person, because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression, would be unwelcome, objectionable, unacceptable, undesirable or not solicited.
- B. For an employer, because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression to refuse to hire or employ any person or to bar or to discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.
- C. For a labor organization, because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression to exclude, expel, limit or restrict from its membership such person, or to provide only second class or segregated membership, or to discriminate in any manner against any of its members or against any employer or any person employed by an employer.
- D. For any employer or employment agency to print or circulate, or cause to be printed or circulated, any publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or

expression, or expresses any intent to make any such limitation, specification or discrimination.

- E. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he/she has opposed in a lawful manner any practices forbidden under this chapter, or because he/she has filed a complaint, testified or assisted in any proceeding under this chapter.
- F. For any person to cause or attempt to cause an employer to discriminate against an individual in violation of this chapter.
- G. For any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter or to attempt to do so.
- H. For any person to discriminate in places of public accommodation or employment against any person, because that person has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this chapter.

Section 14-02-001-0004 Exclusion.

- A. This chapter shall not be applicable to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which preferential treatment is given to any individual because he/she is a Native American living on or near a reservation.
- B. This chapter shall not be applicable to any establishment operated by a bona fide private club not conducted for the purpose of evading this article, when the accommodations, advantages, facilities and services are restricted to members of such club and their guests; nor to any bona fide social, fraternal, public educational, civic or religious organization or such private club when the profits of the accommodations, advantages, facilities and services, above reasonable and necessary expenses, are solely for the benefit of such organization or club.
- C. This chapter shall not be applicable to an expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under Boy Scouts of America v. Dale, 530 U.S. 640 (2000).
- D. This chapter shall not apply to the United States government, any of its departments or agencies, or any corporation wholly owned by it; an Indian tribe; or the state of Arizona or any of its departments, agencies, or political subdivisions.
- E. Any person under the influence of alcohol or other drugs, or who is guilty of boisterous conduct, or who violates any regulation of any place of public accommodation that applies to all persons, regardless of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression may be excluded without penalty under this article from any such place of public accommodation; and nothing in this article shall be considered to limit the right of such exclusion.
- F. Except as provided in subsection (G) below, this chapter shall not be applicable to a religious organization.

- G. This chapter shall apply to employment or an employment opportunity with a religious organization, wherein the duties of the position pertain solely to activities of the organization that generate unrelated business taxable income subject to taxation under section 511 (a) of the Internal Revenue Code of 1986.
- H. Notwithstanding section 14-02-001-003, it shall not be a violation of this chapter:
1. For an employer, labor organization, or employment agency to prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;
 2. For an employer, labor organization, or employment agency to require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;
 3. For an employer, labor organization, or employment agency to require that employees behave in conformance with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.) or under the drug testing provisions of state law (A.R.S. § 23-493 et seq);
 4. For an employer, labor organization, or employment agency to hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that such entity holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee;
 5. For a place of public accommodation to afford beneficial pricing or policies to senior citizens, students, or individuals with disabilities;
 6. For a place of public accommodation to operate solely as a male-only or a female-only fitness center/gymnasium, as long as the fitness center/gymnasium does not include any of the facilities other than gymnasium listed in Section 14-02-001-0002(M), and does not discriminate against any other protected group identified in Section 14-02-001-0001;
 7. For an employer to establish a legitimate dress code that is applied uniformly to all employees within certain job categories and is reasonably related to the employer's business needs.

Section 14-02-001-0005 Violation a Civil Infraction; Procedure; Penalties.

- A. It is a civil infraction for any person to violate any of the provisions of this chapter. Complaints of violations of this chapter shall proceed as prescribed in Section 14-02-001-0006.
- B. The following penalties shall be imposed by the City Court for civil infractions under this chapter:
1. A person found responsible for a civil infraction for the first time shall be fined not more than five hundred dollars (\$500.00) per civil infraction. A person found

responsible for the same civil infraction for a second time shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00). The imposition of a fine for a civil infraction under this section shall not be suspended.

2. Failure of a respondent to comply with any order contained in a judgment for a civil infraction shall result in an additional fine as established by the Flagstaff Municipal Court.

Section 14-02-001-0006 Complaint Procedures.

- A. Any person claiming to be aggrieved by an alleged violation of this chapter (hereinafter the "Complainant") may file with the City Manager's Office ("CMO") a verified charge, in writing, within ninety (90) calendar days after the alleged violation occurred. The charge shall set forth the facts upon which it is based, shall identify the person charged (hereinafter the "Respondent"), and shall be signed by the Complainant.
- B. The CMO shall furnish the Respondent with a copy of the charge via first class United States mail. The Respondent may file, not later than twenty (20) days following the CMO's mailing of the charge to the Respondent, a written verified answer to the charge.
- C. Within forty-five (45) days following receipt of the charge from the Complainant, the CMO shall conduct an initial screening of the charge to determine whether the City has jurisdiction over the charge, whether the charge was timely filed, and whether the allegations, if true, would constitute a violation of this chapter.
- D. If the CMO determines, based on a review of the charge, that the City does not have jurisdiction, that the charge is untimely, or that the allegations would be insufficient to show a violation of this chapter, the CMO shall dismiss the charge. The decision of the CMO to dismiss the charge, after conducting the initial screening, is final. The CMO shall provide the Complainant, the Respondent, and the City Attorney with written findings concerning the CMO's determination to dismiss the charge and the charge will be considered closed.
- E. If the CMO issues an initial determination that the City has jurisdiction over the charge, the charge was timely filed, and the allegations, if true, would constitute a violation of this chapter, the CMO shall refer the matter to a Mediator.
- F. The Mediator shall review the matter. The Mediator may attempt to assist the Complainant and Respondent in reaching settlement of the charge in a cooperative manner using mediation, conference, conciliation and persuasion. If the Mediator deems that such an attempt is not practicable, the Mediator shall refer the matter to an Investigator. The Investigator shall follow the process described in Section I below.
- G. If the mediation is successful, the Mediator shall facilitate the drafting of an agreement with the Complainant and the Respondent for the purpose of eliminating the alleged discriminatory practice. The terms of the agreement may require the Respondent to refrain in the future from committing discriminatory practices of the type stated in the

agreement and to take such affirmative steps as the Mediator may require to carry out the purposes of this chapter. If an agreement is entered into, the Mediator shall furnish copies to the CMO, the City Attorney, the Complainant, and the Respondent. If an agreement is entered into, the charge will be considered closed.

- H. To the extent permitted by law, except for the terms of the agreement, neither the Mediator nor the City Manager, nor any employee thereof, shall make public, without the written consent of the Complainant and Respondent, information concerning efforts in a particular case to eliminate a discriminatory practice through mediation or by conference, conciliation, or persuasion, whether or not there is an agreement. In addition, as stated under Rule 408 of the Arizona Rules of Evidence, such information may not be used as evidence in any judicial proceeding.
- I. If the Mediator, the Complainant, and the Respondent cannot reach an agreement, the Mediator shall refer the matter to an Investigator, who shall attempt to determine the facts relevant to the charge filed under this chapter. The Investigator shall conduct an investigation of the charge to determine whether the facts support a finding that a violation of this chapter has occurred. If the Investigator determines that a violation of this chapter did not occur, the Complainant's charge will be dismissed and the matter will be considered closed. If the Investigator determines that a violation of this chapter did occur, the Investigator shall request the City Attorney file a complaint against the Respondent in the Flagstaff Municipal Court.
- J. In situations involving repeat offenses, the CMO shall refer the matter to an Investigator, who shall follow the process described in Section I. If, at the conclusion of the investigation process, the City Attorney does not file a complaint in Court then the City Attorney may refer the charge back to the Mediator. The Mediator, in his or her discretion may attempt to assist in resolution of the charge or may close the matter.

Section 14-02-001-0007 No Private Right of Action; Effect of Federal and State Laws.

This chapter does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. Nothing in this chapter shall supersede federal or Arizona law.

Section 14-02-001-0008 Severability.

If any section, sentence, paragraph, term, definition or provision of this chapter is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

Section 14-02-001-0009 Unlawful Intimidation, Retaliation, and Coercion.

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, or for testifying, assisting, or participating in any manner in an investigation under this chapter.

Section 14-02-001-00010 Record-keeping; Posting Requirement; Powers.

- A. The Investigator may request a Respondent against whom a charge has been filed to file a statement or report in writing, as to all the facts and circumstances concerning the alleged act of discrimination set forth in the charge. Additionally, in connection with any investigation of a charge filed under this chapter, the Investigator and the City Attorney (or designee) shall seek the voluntary cooperation of any person to obtain access to premises, records, documents, individuals, and any other possible source of information.
- B. Every employer, employment agency, and labor organization subject to this article, shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of Section 14-02-001-0003, Prohibited Acts.
- C. No employee of the City of Flagstaff shall make public with respect to a particular person, without his/her consent, information obtained by them pursuant to their authority under this article, except as required by law or as necessary to the conduct of a proceeding under this chapter.
- D. Any person being investigated under this chapter shall have the right to be represented by counsel.
- E. The City Attorney is empowered to seek fines as described in Section 14-02-001-0005 for civil infractions arising under this chapter.

SECTION 2. That the City Clerk be authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary; and that the City Clerk be authorized to make formatting changes needed for purposes of clarity and form, if required, to be consistent with the Flagstaff City Code.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE NO. 2013-08

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF,
ARIZONA, AMENDING FLAGSTAFF CITY CODE TITLE 14, HUMAN
RELATIONS, BY ADDING CHAPTER 2, CIVIL RIGHTS**

RECITALS:

WHEREAS, its residents are the City of Flagstaff's most important asset; and

WHEREAS, the City of Flagstaff is committed to nondiscrimination and fair treatment of its residents, visitors, and employees; and

WHEREAS, the City Council ("Council") supports and values diversity and inclusiveness; and

WHEREAS, the City of Flagstaff ("City") is comprised of diverse and varied groups, communities, and individuals, and the practice of discrimination against these groups, communities, or individuals on the grounds of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, and gender identity or expression, in places of public accommodation and in employment, adversely affects the general welfare of the City and the vitality of its neighborhoods; and

WHEREAS, discriminatory practices are detrimental because they impede the social and economic progress of the City by preventing all people from contributing to or fully participating in the cultural, spiritual, social, and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses; and

WHEREAS, in developing this chapter, the Flagstaff City Council has investigated other urban centers throughout the nation and studied the effectiveness of ordinances enacted to prevent discriminatory practices; and

WHEREAS, every individual in the City has the right to work and earn wages through gainful employment; and

WHEREAS, the City has found that discrimination in employment and places of public accommodation on the basis of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation and gender identity or expression must be addressed, and the denial or deprivation of employment rights based on these factors is detrimental to the health, safety, and welfare of the City's citizens and damages the City's economic well being; and

WHEREAS, the purpose of this chapter is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in employment and in places of public accommodation, and this chapter shall be liberally construed to achieve that purpose.

ENACTMENTS:

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF
AS FOLLOWS:**

SECTION 1: That Flagstaff City Code Title 14, Human Relations, is hereby amended as follows:

Sections:

14-02-001-0001	Policy Declaration
14-02-001-0002	Definitions
14-02-001-0003	Prohibited Acts
14-02-001-0004	Exclusion
14-02-001-0005	Violation a Civil Infraction; Procedure; Penalties
14-02-001-0006	Complaint Procedures
14-02-001-0007	No Private Right of Action; Effect of Federal and State Laws
14-02-001-0008	Severability
14-02-001-0009	Unlawful Intimidation, Retaliation, and Coercion
14-02-001-0010	Record-keeping; Posting Requirement; Powers

Section 14-02-001-0001 Policy Declaration.

It is the policy of the City of Flagstaff to eliminate prejudice and discrimination due to race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, and gender identity or expression, in places of public accommodation and in employment.

Section 14-02-001-0002 Definitions.

In this chapter, unless the context otherwise requires:

- A. Age means at least eighteen years of age except:
 - 1. Where state law provides for a greater minimum or maximum legal age.
 - 2. In section 14-02-001-003(B), which shall be deemed to protect any person who is at least forty (40) years of age.
- ~~B. Conciliator means an individual selected by the City Manager whose role shall be to attempt to assist the Complainant and Respondent in reaching settlement of a charge filed under this chapter. The Conciliator shall be selected by the City Manager, following established rules and procedures. The Conciliator shall not be an employee of the City of Flagstaff. The Conciliator may not be required to serve as a witness in any legal proceeding concerning matters related to the Conciliator's involvement in carrying out his or her functions pursuant to this chapter.~~
- BC. Discriminate or discrimination means to make, directly or indirectly, any distinction with respect to any person or persons based on race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression.
- CD. Disability, with respect to an individual, means:
 - 1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

2. A record of such an impairment; or
3. Being regarded as having such an impairment; but disability does not include the current illegal use of or addiction to a controlled substance (as defined in the Controlled Substances Act, 21 U.S.C. § 801 et seq.) or the current use of alcohol that prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to the property or the safety of others.

Discrimination on the basis of disability shall be interpreted in a manner consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., the federal regulations promulgated thereunder, and judicial decisions construing them.

- | DE. *Educational institution* means any private educational institution located or operating in the City of Flagstaff which provides educational services including an academy, college, university, elementary or secondary school, kindergarten, extension course, nursery school system, and a business, nursing, professional, secretarial, technical or vocational school.
- | EF. *Employer*, except as otherwise provided, means any person employing fifteen (15) or more employees in the City of Flagstaff for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and includes any agent of such person.
- | EG. *Employment agency* means and includes both public and private employment agencies and any person having an office regularly undertaking, with or without compensation, to procure, recruit, refer or place employees.
- | GH. *Gender expression* means the ways in which a person manifests masculinity or femininity or “expresses” external characteristics and behaviors associated with gender.
- | HI. *Gender identity* means an individual's various attributes as they are understood to be masculine and/or feminine and shall be broadly interpreted to include pre- and post-operative transsexuals, as well as other persons who are, or are perceived to be, transgender.
- | IJ. *Investigator* means an individual selected by the City Manager whose role shall be to determine the facts relevant to a charge filed pursuant to this chapter. The Investigator shall be selected by the City Manager, following established rules and procedures.
~~[Options: 1) The Investigator may be an employee of the City of Flagstaff; or 2) The Investigator shall not be an employee of the City of Flagstaff.]~~
- | JK. *Labor organization* means and includes any organization or labor union, craft union, or such organization, conducting a hiring hall which engages in the hiring of employees, or any voluntary unincorporated association designed to further the cause of the rights of union labor, which is constituted for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or apprenticeships or applications for apprenticeships, or for other mutual aid or protection in connection with employment, including apprentice jobs or application for apprenticeship.

K. Mediator means an individual selected by the City Manager whose role shall be to attempt to assist the Complainant and Respondent in reaching settlement of a charge filed under this chapter. The Mediator shall be selected by the City Manager, following established rules and procedures. The Mediator shall not be an employee of the City of Flagstaff. The Mediator may not be required to serve as a witness in any legal proceeding concerning matters related to the Mediator's involvement in carrying out his or her functions pursuant to this chapter.

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L. *Person* means and includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, receivers, or other organized groups of persons.

M. *Place of public accommodation* means facilities, establishments, accommodations, services, commodities or use offered to or enjoyed by the general public, including but not limited to:

1. Hotels, motels, trailer courts and boardinghouses, which shall include any establishments offering lodging to transient guests for compensation.
2. Restaurants, which shall include lunch counters, coffee shops, lunchrooms, luncheonettes, cafes, cafeterias, tearooms, snack bars or stands, mobile food service facilities, grills, sandwich shops, supper clubs, soft drink fountains, ice cream parlors or stands, and other places which offer food, ice cream or soft drink beverages for purchase and consumption on or off the premises.
3. Taverns, which shall include bars, barrooms, saloons, roadhouses and like establishments, wherein spirituous or malt liquors or wines are offered for sale for consumption on or off the premises.
4. Theaters, which shall include places, whether indoors or out-of-doors, at which any theatrical performance, moving picture show, musical concert or recital, dramatic reading or monologue, circus, carnival or other like entertainment or amusement is offered.
5. Retail establishments, which shall include retail stores, garages, automobile and gasoline service stations, and other like establishments serving the public.
6. Places of public amusement and recreation, which shall include bowling alleys, billiard halls and poolrooms, dance halls, race courses, shooting galleries, sports arenas or fields, gymnasiums, exhibitions, skating rinks and other like establishments.
7. Educational facilities, which shall include institutions defined in paragraph (E) of this section.
8. Public conveyances, which shall include all transportation facilities operated on land, air or water as well as the stations and terminals thereof.
9. Funeral parlors and places of burial, including any cemetery, mausoleum, crypt, or any establishment for the embalming, processing or interment of corpses.

- N. *Protected class* means each classification for which discrimination is prohibited in this chapter: race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, and gender identity or expression.
- O. *Religion* includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he/she is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.
- P. *Religious organization* means a religious corporation, association or society; or a school, college, university, or other educational institution or institution of learning if the institution is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association or society; or the curriculum of the institution is directed toward the propagation of a religion.
- Q. *Sex* shall include, but is not limited to, discrimination because of or on the basis of pregnancy, childbirth or related medical conditions; and women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.
- R. *Sexual orientation* means an individual's heterosexuality, homosexuality, or bisexuality, whether the orientation is real or perceived.
- S. *Veteran's Status* means an individual who served in the armed forces of the United States, including the Army, Navy, Air Force, Marine Corps, and Coast Guard, and who was separated from the armed forces under honorable conditions.

Section 14-02-001-0003 Prohibited Acts.

It is a violation of this article:

- A. For any owner, operator, lessee, manager, agent or employee of any place of public accommodation to discriminate against any person, or directly or indirectly display, circulate, publicize or mail any advertisement, notice or communication which states or implies that any facility or service shall be refused or restricted because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression, or that any person, because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression, would be unwelcome, objectionable, unacceptable, undesirable or not solicited.
- B. For an employer, because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression to refuse to hire or employ any person or to bar or to discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.
- C. For a labor organization, because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression to exclude, expel, limit or restrict from its membership such person, or to provide only second class

or segregated membership, or to discriminate in any manner against any of its members or against any employer or any person employed by an employer.

- D. For any employer or employment agency to print or circulate, or cause to be printed or circulated, any publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression, or expresses any intent to make any such limitation, specification or discrimination.
- E. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he/she has opposed in a lawful manner any practices forbidden under this chapter, or because he/she has filed a complaint, testified or assisted in any proceeding under this chapter.
- F. For any person to cause or attempt to cause an employer to discriminate against an individual in violation of this chapter.
- G. For any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter or to attempt to do so.
- H. For any person to discriminate in places of public accommodation or employment against any person, because that person has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this chapter.

Section 14-02-001-0004 Exclusion.

- A. This chapter shall not be applicable to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which preferential treatment is given to any individual because he/she is a Native American living on or near a reservation.
- B. This chapter shall not be applicable to any establishment operated by a bona fide private club not conducted for the purpose of evading this article, when the accommodations, advantages, facilities and services are restricted to members of such club and their guests; nor to any bona fide social, fraternal, public educational, civic or religious organization or such private club when the profits of the accommodations, advantages, facilities and services, above reasonable and necessary expenses, are solely for the benefit of such organization or club.
- C. This chapter shall not be applicable to an expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under Boy Scouts of America v. Dale, 530 U.S. 640 (2000).
- D. This chapter shall not apply to the United States government, any of its departments or agencies, or any corporation wholly owned by it; an Indian tribe; or the state of Arizona or any of its departments, agencies, or political subdivisions.
- E. Any person under the influence of alcohol or other drugs, or who is guilty of boisterous conduct, or who violates any regulation of any place of public accommodation that

applies to all persons, regardless of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression may be excluded without penalty under this article from any such place of public accommodation; and nothing in this article shall be considered to limit the right of such exclusion.

- F. Except as provided in subsection (G) below, this chapter shall not be applicable to a religious organization.
- G. This chapter shall apply to employment or an employment opportunity with a religious organization, wherein the duties of the position pertain solely to activities of the organization that generate unrelated business taxable income subject to taxation under section 511 (a) of the Internal Revenue Code of 1986.
- H. Notwithstanding section 14-02-001-003, it shall not be a violation of this chapter:
 - 1. For an employer, labor organization, or employment agency to prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;
 - 2. For an employer, labor organization, or employment agency to require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;
 - 3. For an employer, labor organization, or employment agency to require that employees behave in conformance with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.) or under the drug testing provisions of state law (A.R.S. § 23-493 et seq);
 - 4. For an employer, labor organization, or employment agency to hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that such entity holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee;
 - 5. For a place of public accommodation to afford beneficial pricing or policies to senior citizens, students, or individuals with disabilities;
 - 6. For a place of public accommodation to operate solely as a male-only or a female-only fitness center/gymnasium, as long as the fitness center/gymnasium does not include any of the facilities other than gymnasium listed in Section 14-02-001-0002(M), and does not discriminate against any other protected group identified in Section 14-02-001-0001;
 - 7. For an employer to establish a legitimate dress code that is applied uniformly to all employees within certain job categories and is reasonably related to the employer's business needs.

Section 14-02-001-0005 Violation a Civil Infraction; Procedure; Penalties.

- A. It is a civil infraction for any person to violate any of the provisions of this chapter. Complaints of violations of this chapter shall proceed as prescribed in Section 14-02-001-0006.
- B. The following penalties shall be imposed by the City Court for civil infractions under this chapter:

~~{Option 1: 1. A person found responsible for a civil infraction for the first time shall be fined not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil infraction, a person found responsible for the same civil infraction for a second time shall be fined not less than six hundred dollars (\$600.00) nor more than twenty-five hundred dollars (\$2,500.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00). The imposition of a fine for a civil infraction under this section shall not be suspended.}~~

~~{or}~~

~~{Option 2: 1. A person found responsible for a civil infraction for the first time shall be fined not more than five hundred dollars (\$500.00) per civil infraction. A person found responsible for the same civil infraction for a second time shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00). The imposition of a fine for a civil infraction under this section shall not be suspended.}~~

~~{or}~~

~~{Option 3: 1. A person found responsible for a civil infraction for the first time shall be fined not less than _____ dollars (\$.00) nor more than _____ dollars (\$.00) per civil infraction. A person found responsible for the same civil infraction for a second time shall be fined not less than _____ dollars (\$.00) nor more than _____ dollars (\$.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than _____ dollars (\$.00) nor more than _____ dollars (\$.00). The imposition of a fine for a civil infraction under this section shall not be suspended.}~~

~~{or}~~

~~{Option 4: 1. A person found responsible for a civil infraction for the first time shall be fined not more than _____ dollars (\$.00) per civil infraction. A person found responsible for the same civil infraction for a second time shall be fined not more than _____ dollars (\$.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not more than _____ dollars (\$.00). The imposition of a fine for a civil infraction under this section shall not be suspended.}~~

2. Failure of a respondent to comply with any order contained in a judgment for a civil infraction shall result in an additional fine as established by the Flagstaff Municipal Court.

Section 14-02-001-0006 Complaint Procedures.

- A. Any person claiming to be aggrieved by an alleged violation of this chapter (hereinafter the "Complainant") may file with the City Manager's Office ("CMO") a verified charge, in writing, within ninety (90) calendar days after the alleged violation occurred. The charge shall set forth the facts upon which it is based, shall identify the person charged (hereinafter the "Respondent"), and shall be signed by the Complainant.
- B. The CMO shall furnish the Respondent with a copy of the charge via first class United States mail. The Respondent may file, not later than twenty (20) days following the CMO's mailing of the charge to the Respondent, a written verified answer to the charge.
- C. Within forty-five (45) days following receipt of the charge from the Complainant, the CMO shall conduct an initial screening of the charge to determine whether the City has jurisdiction over the charge, whether the charge was timely filed, and whether the allegations, if true, would constitute a violation of this chapter.
- D. If the CMO determines, based on a review of the charge, that the City does not have jurisdiction, that the charge is untimely, or that the allegations would be insufficient to show a violation of this chapter, the CMO shall dismiss the charge. The decision of the CMO to dismiss the charge, after conducting the initial screening, is final. The CMO shall provide the Complainant, the Respondent, and the City Attorney with written findings concerning the CMO's determination to dismiss the charge and the charge will be considered closed.
- ~~E. If the CMO issues an initial determination that the City has jurisdiction over the charge, that the charge was timely filed, and that the allegations, if true, would constitute a violation of this chapter, the CMO shall refer the matter to a Conciliator, whose role shall be that of mediator. The Conciliator shall attempt to assist the Complainant and Respondent in reaching settlement of the charge in a cooperative manner. In situations involving repeat offenses for alleged violations that have previously gone through the conciliation process, the CMO shall refer the matter to an Investigator, who shall investigate and then submit to the City Attorney who shall determine whether to file a complaint against the Respondent in Flagstaff Municipal Court ("Court"). If a complaint is not filed in Court, the City Attorney may forward the charge to the Conciliator.~~
- ~~E. If the CMO issues an initial determination that the City has jurisdiction over the charge, the charge was timely filed, and the allegations, if true, would constitute a violation of this chapter, the CMO shall refer the matter to a Mediator.~~
- ~~F. The Conciliator shall attempt to assist the Complainant and the Respondent in reaching a settlement of the dispute if the Conciliator deems that such an attempt is practicable. The Conciliator may attempt to eliminate the alleged discriminatory practice by conference, conciliation, and persuasion.~~
- ~~F. The Mediator shall review the matter. The Mediator may attempt to assist the Complainant and Respondent in reaching settlement of the charge in a cooperative manner using mediation, conference, conciliation and persuasion. If the Mediator deems that such an attempt is not practicable, the Mediator shall refer the matter to an Investigator. The Investigator shall follow the process described in Section I below.~~
- ~~G. If the mediation is successful, the Conciliator shall enter a conciliation agreement with the Complainant and the Respondent for the purpose of eliminating the alleged~~

~~discriminatory practice. The terms of a conciliation agreement may require the Respondent to refrain in the future from committing discriminatory practices of the type stated in the agreement and to take such affirmative steps as the Conciliator may require to carry out the purposes of this chapter. If a conciliation agreement is entered into, the Conciliator shall furnish copies to the CMO, the City Attorney, the Complainant, and the Respondent. If a conciliation agreement is entered into, the charge will be considered closed. To the extent permitted by law, except for the terms of the conciliation agreement, neither the Conciliator nor the City Manager, nor any employee thereof, shall make public, without the written consent of the Complainant and Respondent, information concerning efforts in a particular case to eliminate a discriminatory practice through mediation or by conference, conciliation, or persuasion, whether or not there is a conciliation agreement. In addition, such information may not be used as evidence in any judicial proceeding.~~

G. If the mediation is successful, the Mediator shall facilitate the drafting of an agreement with the Complainant and the Respondent for the purpose of eliminating the alleged discriminatory practice. The terms of the agreement may require the Respondent to refrain in the future from committing discriminatory practices of the type stated in the agreement and to take such affirmative steps as the Mediator may require to carry out the purposes of this chapter. If an agreement is entered into, the Mediator shall furnish copies to the CMO, the City Attorney, the Complainant, and the Respondent. If an agreement is entered into, the charge will be considered closed.

~~H. If the Conciliator, the Complainant, and the Respondent cannot reach a conciliation agreement, as described in Section G, the Conciliator shall refer the matter to an Investigator, who shall attempt to determine the facts relevant to the charge filed under this chapter. The Investigator shall conduct an investigation of the charge to determine whether the facts support a finding that a violation of this chapter has occurred. If the Investigator determines that a violation of this chapter did not occur, the Complainant's charge will be dismissed and the matter will be considered closed. If the Investigator determines that a violation of this chapter did occur, the Investigator shall request the City Attorney file a complaint against the Respondent in the Flagstaff Municipal Court.~~

H. To the extent permitted by law, except for the terms of the agreement, neither the Mediator nor the City Manager, nor any employee thereof, shall make public, without the written consent of the Complainant and Respondent, information concerning efforts in a particular case to eliminate a discriminatory practice through mediation or by conference, conciliation, or persuasion, whether or not there is an agreement. In addition, as stated under Rule 408 of the Arizona Rules of Evidence, such information may not be used as evidence in any judicial proceeding.

I. If the Mediator, the Complainant, and the Respondent cannot reach an agreement, the Mediator shall refer the matter to an Investigator, who shall attempt to determine the facts relevant to the charge filed under this chapter. The Investigator shall conduct an investigation of the charge to determine whether the facts support a finding that a violation of this chapter has occurred. If the Investigator determines that a violation of this chapter did not occur, the Complainant's charge will be dismissed and the matter will be considered closed. If the Investigator determines that a violation of this chapter did occur, the Investigator shall request the City Attorney file a complaint against the Respondent in the Flagstaff Municipal Court.

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J. In situations involving repeat offenses, the CMO shall refer the matter to an Investigator, who shall follow the process described in Section I. If, at the conclusion of the investigation process, the City Attorney does not file a complaint in Court then the City Attorney may refer the charge back to the Mediator. The Mediator, in his or her discretion may attempt to assist in resolution of the charge or may close the matter.

Section 14-02-001-0007 No Private Right of Action; Effect of Federal and State Laws.

This chapter does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. Nothing in this chapter shall supersede federal or Arizona law.

Section 14-02-001-0008 Severability.

If any section, sentence, paragraph, term, definition or provision of this chapter is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

Section 14-02-001-0009 Unlawful Intimidation, Retaliation, and Coercion.

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, or for testifying, assisting, or participating in any manner in an investigation under this chapter.

Section 14-02-001-00010 Record-keeping; Posting Requirement; Powers.

- A. The Investigator may request a Respondent against whom a charge has been filed to file a statement or report in writing, as to all the facts and circumstances concerning the alleged act of discrimination set forth in the charge. Additionally, in connection with any investigation of a charge filed under this chapter, the Investigator and the City Attorney (or designee) shall seek the voluntary cooperation of any person to obtain access to premises, records, documents, individuals, and any other possible source of information.
- B. Every employer, employment agency, and labor organization subject to this article, shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of Section 14-02-001-0003, Prohibited Acts.
- C. No employee of the City of Flagstaff shall make public with respect to a particular person, without his/her consent, information obtained by them pursuant to their authority under this article, except as required by law or as necessary to the conduct of a proceeding under this chapter.
- D. Any person being investigated under this chapter shall have the right to be represented by counsel.
- E. The City Attorney is empowered to seek fines as described in Section 14-02-001-0005 for civil infractions arising under this chapter.

SECTION 2. That the City Clerk be authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary; and that the City Clerk be authorized to make formatting changes needed for purposes of clarity and form, if required, to be consistent with the Flagstaff City Code.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Brian Grube, Recreation Services Director
Date: 02/27/2013
Meeting Date: 03/05/2013



TITLE:

Consideration and Adoption of Resolution No. 2013-02: A Resolution of the City Council of the City of Flagstaff designating the "2013 City of Flagstaff Parks and Recreation Organizational Master Plan" as a public record and adopting the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan.

RECOMMENDED ACTION:

Should the Council wish to move forward with adoption of the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan as presented:

- 1) Read Resolution No. 2013-02 by title only.
- 2) City Clerk reads Resolution No. 2013-02 (if approved above).
- 3) Adopt Resolution No. 2013-02.

Policy Decision or Reason for Action:

Adoption of Resolution No. 2013-02 designates the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan as a public record and adopts the Plan, which establishes guidelines, standards and recommendations for parks and recreation for the next 10 years. The Plan establishes direction to guide City staff, advisory committees, and elected officials in their efforts to enhance the community's parks and recreation services and facilities.

Financial Impact:

There is no financial impact to adopting the Resolution.

Connection to Council Goal:

Fund existing and consider expanded recreational services. The Parks and Recreation Organizational Master Plan process is a vital component of local government operations. Its purpose is to assess the current state of affairs regarding the provision of municipal parks and recreation services, stimulate an open public discussion of future needs for municipal parks and recreation programs, services, areas and facilities, and establish a plan of action for the future growth and development of municipal parks and recreation services. The end product of the Master Plan process provides the City a viable blueprint and plan of action to guide the future orderly growth and development of the community comprehensive parks and recreation system.

Has There Been Previous Council Decision on This:

On June 5, 2012 Council directed staff to bring the Plan back to Council to review chapter by chapter in order to thoroughly understand and analyze the document. At the February 5, 2013, Council Meeting, Mayor Nabours asked for more time to further review the Plan before its adoption.

Options and Alternatives:

- A. Adopt Resolution No. 2013-02, approving the Parks and Recreation Organizational Master Plan
- B. Adopt a modified version of Resolution No. 2013-02
- C. Do not adopt Resolution No. 2013-02

Background/History:

Currently, the strategic planning document for parks and recreation is the 1996 Long Range Master Plan for Parks, Recreation and Open Spaces. This document was designed to span a ten (10) year time frame which has passed and is outdated in its usefulness other than as a historic framework. The City has grown, the community needs have changed, financial forecasting and service standards have evolved, stakeholders have increased, trends have emerged, and existing conditions have been impacted by all of the above. The City needed to identify current resources and project future demand in order to plan for a diverse parks and recreation system including facilities, services, and programs.

Key Considerations:

The new Plan is organized as a reference document for the City of Flagstaff community, the City of Flagstaff Recreation Services Division, Park Maintenance Section, City of Flagstaff elected and appointed officials, and other City Divisions. The first section of the Plan provides background data and a description of the Master Plan process and community engagement activities that were conducted during the development of this Plan. The first three chapters include information about the Plan and planning process. The Plan Vision is located in Chapter Four. Chapters Five through Eleven provide an overview, analysis and goals and strategies for parks, programs, events, facilities, maintenance and funding. Plan action strategies are organized into three groups:

- (1) those that could be implemented in a reduced budget scenario
- (2) those that could occur with no change in funding; and,
- (3) those that could occur in an enhanced funding scenario.

Supporting documents--documents incorporated by reference and areas addressed by other plans and entities (including open space and trails)--are discussed in Appendix A. A description of the planning process, the outreach efforts, including a community survey and benchmarking, is included in Appendix B of the Plan.

Changes to the Master plan as a result of the Council work session reviews are summarized in the attachment titled "Work session changes to the Parks and Recreation Master Plan 2013."

Community Benefits and Considerations:

Community Benefits and Considerations. With the increasing recognition of the many benefits derived from outdoor recreation, organized sports and leisure activities, and natural open spaces within the community, Flagstaff recognizes the need for enhancing both the quantity and quality of recreation opportunities for people of all ages and abilities. Past master planning efforts have shown three main goals: (1) to provide parks, recreation facilities and open spaces through public and private resources which become the foundation of community pride; (2) to provide residents with active and passive recreational opportunities by maximizing the use of dedicated parks, recreation facilities, and open spaces; and, (3) to promote habits of activity for a stronger, healthier community through offering recreation programs and services which encourage residents and visitors alike to lead balanced lives.

Community Involvement:

A variety of community participation opportunities, including public open houses, surveys, outreach materials, focus groups, and stakeholder meetings, allowed for significant community involvement and input into the plan. Over the two-year period of this master planning effort, continued public involvement was the key to maintaining the support of the community and ensuring their desires were reflected in the plan. The following public involvement forums were conducted throughout this process for the public to provide ideas and comments:

- 2 Community Meetings/Workshops (2011)
- Benchmark Survey (Winter/Spring 2012)
- Draft Plan available for review (Dec 2011 -Jan 2012)
- Parks and Recreation Commission (5 Meetings 2010-2012)
- City Council (2 Meetings 2011 - 2012)
- Disability Awareness Commission (2011)
- Open Space Commission (2011)
- City-sponsored web page with feedback form
- Chapters reviewed at City Council work sessions (5 meetings September 2012 – January 2013)

Attachments: Res. 2013-02
 Work session changes to P&R Master Plan

RESOLUTION NO. 2013-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF DESIGNATING THE “2013 CITY OF FLAGSTAFF PARKS AND RECREATION ORGANIZATIONAL MASTER PLAN” AS A PUBLIC RECORD AND ADOPTING THE 2013 CITY OF FLAGSTAFF PARKS AND RECREATION ORGANIZATIONAL MASTER PLAN

RECITALS:

WHEREAS, the primary goal of the Parks and Recreation Organizational Master Plan is to provide for a viable blueprint and plan of action to guide the future orderly growth and development of the community's comprehensive parks and recreation system for the citizens of Flagstaff, Arizona; and

WHEREAS, the Flagstaff City Council recognizes the need for a Parks and Recreation Organizational Master Plan to provide goals, needs assessments, standards, recommendations, and strategies for implementation over a ten-year period in an effort to provide for, and continually improve, park and recreational facilities, programs, and services; and

WHEREAS, in collaboration with Flagstaff's citizens and after considerable analysis and study, staff and consultants have prepared the Parks and Recreation Organizational Master Plan document; and

WHEREAS, the Parks and Recreation Commission has been involved with the preparation of the Parks and Recreation Organizational Master Plan and recommends its adoption as a guide for existing and future citizens of the City of Flagstaff, Arizona; and

WHEREAS, having taken into consideration the desires of the citizens of Flagstaff and the in-depth study conducted by the staff and consultants, the City Council concludes that its recommendations are appropriate and reasonable; and

WHEREAS, three copies of the City of Flagstaff Parks and Recreation Organizational Master Plan have been placed on file with the City Clerk so that the official copies thereof shall be readily available to the public.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AS FOLLOWS:

Section I. That the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan, three copies of which are on file in the City Clerk's Office and attached hereto, is hereby declared to be a public record.

Section II. That the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan is intended to provide ongoing guidance to the City Council and the City of Flagstaff staff for comprehensive strategic planning of parks and recreational facilities, programs, and services for its citizens.

Section III. That the Parks and Recreation Commission has prioritized parks and recreation unfunded capital improvement projects in order to guide and plan for future development and acquisition with the list as follows:

- Westside Parkland Acquisition
- Competitive Lap Pool
- Bushmaster Park Improvements
- Enclosed Tennis Structure/Bubble
- Continental Park Improvements, Phase I
- Wheeler Park Redesign, Phase I
- Christensen Park Development/Soccer Fields

Section IV. That the Flagstaff City Council hereby adopts the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 5th day of March, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

City of Flagstaff Parks And Recreation Organizational Master Plan

Council Worksession Comment Tracking

Chapter	Strategy	Comment:	Changed to read (changes in <i>red italics</i>):
Parks	A.1.1.2	Selling or repurposing of existing parks, particularly the two acres or less, was a concern as many are located in areas needing the facilities. Infill was being encouraged in older neighborhoods and there may not be enough room for larger parks, but they were still needed. Communication with affected neighborhoods should take place if such sale or repurpose was proposed. Clearer articulation within the document on this subject should be made.	Reduced Strategy: Consider reducing Neighborhood/Pocket park inventory in some areas in keeping with minimum Neighborhood park service area standard of 1/3 mile. <i>In making any decisions regarding reducing pocket or neighborhood parks, consider if these parks will be needed due to future infill, economics, or other considerations. Work closely with neighborhoods regarding any decisions regarding repurposing neighborhood parks.</i>
Parks	A.1.4.1	Concern was voiced with having a Regional Park at Lake Mary when the County already had a Regional Park at Fort Tuthill. It was noted that there would not be duplication of amenities; they would offer different services, such as fields at Lake Mary. Additionally, the City staff has been working with County staff through this process.	Reduced Strategy: Consider working with private entities to develop Lake Mary Park as a Regional fee-for-use park <i>with facilities that do not duplicate those at Fort Tuthill Park, or that are needed in addition to facilities at Fort Tuthill Park.</i> Baseline Strategy: Development of Lake Mary Park by 2030 <i>with facilities that do not duplicate those at Fort Tuthill Park, or that are needed in addition to facilities at Fort Tuthill Park.</i> Enhanced Strategy: Development of Lake Mary Park by 2030 <i>with facilities that do not duplicate those at Fort Tuthill Park, or that are needed in addition to facilities at Fort Tuthill Park.</i>

City of Flagstaff Parks And Recreation Organizational Master Plan Council Worksession Comment Tracking

Programs and Fee Philosophy:	A.1.2.5	Private maintenance of some parks. This was problematic; there needs to be some type of mechanism for the City to facilitate maintenance.	Require new developments to provide land or funds for the purchase, development and maintenance of Community parks lands in accordance with the standards of this Plan <i>and in accordance with a city monitored maintenance plan.</i>
	A.6.1.2	With the specialized indoor facilities and charging a fee for use, they need to keep in mind that some of these facilities are paid for with bond monies, and they should be mindful that all people have access to the facilities that they pay for already.	<p>Reduced: Establish an aggressive fee policy for the Division <i>that is mindful of bond funding that was contributed by taxpayers towards construction of facilities and</i> ensures operating costs are covered for programs and services, facility usage, and rentals.</p> <p>Baseline: Establish a comprehensive fee policy for the Division that <i>that is mindful of bond funding that was contributed by taxpayers towards construction of facilities and covers</i> programs and services, facility usage, and rentals. This policy should be reviewed and update at least every other year.</p>
	Page 81 (General Fee Guidelines), 4 th bullet	Page 81 referenced the 50% cost recovery for youth and seniors. Staff noted there was a fee philosophy that the City would subsidize 50% for youth and they were now recommending to include seniors in that group, with all adult services having cost recovery at 100%. It was suggested that this be noted in the Plan.	Senior activities, programs and facility access should be priced similar to youth. <i>Currently the city subsidizes youth programs at 50%. Seniors should be added to this group.</i>
Events	A.2.1.1	Additionally, with marketing Buffalo Park for things such as	Baseline: Consider advertising Buffalo and McPherson Park as locations for

City of Flagstaff Parks And Recreation Organizational Master Plan Council Worksession Comment Tracking

		weddings and reunions, they were not sure that the public reserved those parks for those kinds of functions, but they need to maintain the open space of the park and not cut off access.	family celebrations such as weddings and reunions. <i>Provide opportunities for these events while providing public access to larger open space areas that are a part of these parks.</i>
Maintenance	A.1.1.5, Reduced, Baseline and Enhanced strategies added	Discussion was held on the reduced maintenance in the undeveloped portions of parks. It was suggested that wording be included within the Plan to indicate that those areas would be addressed on a complaint-driven basis.	Maintain the undeveloped areas of Buffalo Park and natural open space at McPherson and Thorpe Parks in accordance with NRPA Level 6 Standards <i>and on a complaint driven basis.</i>
Maintenance	A.2.4.1	Council requested that a numbering system similar to what is used for park maintenance be assigned to the recreation facilities and services. The numbering system helps to put into perspective the areas that need improvement.	Reduced: <i>Develop facilities maintenance standards, modeled on those used for parks maintenance, that ensure facilities are maintained to be safe and enjoyable and encourage partnerships with other entities to maintain facilities to the greatest extent possible.</i> Baseline and Enhanced: <i>Develop facilities maintenance standards, modeled on those used for parks maintenance, that ensure facilities are maintained to be safe and enjoyable.</i>
Finance	A.1.1.1	Replace existing strategy.	<i>Take BBB parks to a service level 2, no FUTS construction, keep recreation programming.</i>

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 02/27/2013
Meeting Date: 03/05/2013



TITLE

Discussion Item and Possible Action: Discontinuance of the Izabel Homes Project.

RECOMMENDED ACTION:

Council direction.

INFORMATION

Councilmember Oravits requested that this item be placed on the agenda under Section 15, Discussion Item and Possible Action, to determine if there was a majority of the Council interested in placing this item on a future agenda for consideration and possible discontinuance of the Izabel Homes project.

Attachments:

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 02/27/2013
Meeting Date: 03/05/2013



TITLE

Discussion Item and Possible Action: Ordinance re feeding of wildlife.

RECOMMENDED ACTION:

Council direction.

INFORMATION

Mayor Nabours requested that this item be placed on agenda under Section 15, Discussion and Possible Action, to determine if a majority of the Council was interested in placing it on a future agenda for consideration and possible adoption of an ordinance to prohibit feeding of wildlife.

Attachments: